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1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE MIDDLE DISTRICT OF ALABAMA
3 SOUTHERN DIVISION
4
5

NANCY MARTIN and
6 MARY BETH BRACKIN,
7 Plaintiffs,
8 vs. CASE NO. 1:05-CV-1172-MEF
9 CITY OF DOTHAN and
JUDGE ROSE EVANS-GORDON,
10
11 Defendants.
12
13

* * * * *

14

DEPOSITION OF NANCY MARTIN, taken pursuant
15
16 to stipulation and agreement before Sherry McCaskey,
17 Certified Court Reporter and Commissioner for the
18 State of Alabama at Large, in the Dothan Civic
19 Center, 126 N. Andrews Street, Dothan, Alabama, on
20 Monday, October 29, 2007, commencing at
21 approximately 9:05 a.m.

* * * * *

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1 APPEARANCES
2 FOR THE PLAINTIFFS:
3 ISHMAEL JAFFREE, ESQUIRE
Jaffree Law
4 951 Government Street
Suite 415
5 Mobile, Alabama 36604
6 FOR THE DEFENDANTS:
7 CAROL SUE NELSON, ESQUIRE

Maynard, Cooper & Gayle
Attorneys at Law
2400 Amsouth/Harbert Plaza
1901 Sixth Avenue North
Birmingham, Alabama 35203

* * * * *

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STIPULATIONS

It is hereby stipulated and agreed by and between counsel representing the parties that the deposition of NANCY MARTIN is taken pursuant to the Federal Rules of Civil Procedure and that said deposition may be taken before Sherry McCaskey, Certified Court Reporter and Commissioner for the State of Alabama at Large, without the formality of a commission; that objections to questions other than objections as to the form of the questions need not be made at this time but may be reserved for a ruling at such time as the deposition may be offered in evidence or used for any other purpose as provided for by the Federal Rules of Civil Procedure.

It is further stipulated and agreed by and between counsel representing the parties in this case that said deposition may be introduced at the trial of this case or used in any manner by either party hereto provided for by the Federal Rules of Civil Procedure.

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1 NANCY MARTIN

2 The witness, having first been duly sworn
3 to speak the truth, the whole truth, and nothing but
4 the truth, testified as follows:

5 EXAMINATION

6 BY MS. NELSON:

7 Q. Ms. Martin, my name is Carol Sue Nelson. We
8 met earlier, but just for the Record, I want
9 to introduce myself.

10 A. Okay.

11 Q. I'm going to be asking you some questions
12 today about your claims against the City and
13 Judge Gordon. Have you ever had your
14 deposition taken before?

15 A. No.

16 Q. As you know, you've been placed under oath.
17 If you do not understand a question, please
18 let me know and I'll try to rephrase it. And,
19 otherwise, I'll assume that you do understand
20 me and will be answering truthfully. Is that
21 understood?

22 A. That's understood.

23 Q. And as you know, the court reporter here is

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1 taking everything down, so instead of nodding
2 or uh-huh and huh-uh, if you'll just speak up
3 and say yes or no or answer the question so
4 she can take down what your testimony is.

5 A. Okay.

6 Q. If you need a break at any time, let me know.
7 If there is a question on the table, though, I
8 would ask you to answer that. We'll be taking
9 a lunch break, if we need to go into the
10 afternoon. But, otherwise, just let me know
11 if you need a break, and we can certainly do
12 that.

13 Now, are you currently taking any
14 medications that would prohibit you from
15 truthfully answering questions today?

16 A. Not that I'm aware of. No.

17 Q. Are you under -- are you taking any -- are you
18 on any medications right now?

19 A. Yes.

20 Q. Can you tell me what that is?

21 A. I'm taking a half of a pain pill for my foot

22 injury for the pain of my foot injury.

23 Q. Is this the injury you sustained at --
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1 A. Two weeks ago at Georgia Pacific.

2 Q. And I may ask you a little bit about that in a
3 minute. But this was a work-related injury --

4 A. Yes, it was.

5 Q. -- at work? And you hurt your foot?

6 A. I fractured the top of my foot, fractured the
7 bridge of my nose. And my knee is -- it
8 didn't break it or bust it. It's just all --
9 pulled the skin off of it. And I have a --
10 had a contusion of my head.

11 Q. I'm sorry. Were you hospitalized for this?

12 A. I was taken to the emergency room and treated
13 and released.

14 Q. And I gather this resulted from some type of
15 fall at work?

16 A. From a fall at Georgia Pacific's guesthouse
17 that I oversee.

18 Q. Georgia Pacific is where you currently work?

19 A. That's right.

20 Q. And where is that located?

21 A. Cedar Springs, Georgia.

22 Q. How far is that from Dothan?

23 A. About 29 miles from where I live.

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1 Q. And where do you live?

2 A. 408 Christopher Drive in Dothan.

3 Q. I'm sorry. You said you were on some pain
4 medication?

5 A. Not continually. Just when I -- when I -- I
6 was on it for days, but that -- I stopped
7 taking it full-time about a week ago, just
8 occasionally.

9 Q. Okay. And do you know the name of that
10 medication?

11 A. Lortab.

12 Q. Any other medications that you are on?

13 A. No.

14 Q. The emergency room that you went to, where was
15 that?

16 A. Southeast Alabama Medical Center.

17 I'm sorry. I am on high blood pressure
18 medicine. I have high blood pressure.

19 Q. And how long have you been on that?

20 A. Probably for two or three years.

21 Q. Are you under the care of a doctor --

22 A. Yes.

23 Q. -- with that?

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1 A. Yes.

2 Q. And who is that?

3 A. Dr. Wes Nelson.

4 Q. Is he here in Dothan?

5 A. Yes. West Main Street.

6 Q. And what about, did you see a doctor for your
7 fall or --

8 A. Yes. I was referred to an orthopedic doctor
9 at Southern Bone and Joint here in Dothan.

10 Q. And who was that?

11 A. Dr. Bret Simpson.

12 Q. Any other doctors that you see?

13 A. Only the emergency room doctor.

14 Q. Okay. Do you remember who that was?

15 A. I think his name was Dr. Michael -- well,
16 actually, he's a physician's assistant,
17 Dr. Michael Shivers or Michael Shivers I
18 believe.

19 Q. And do you trade at one particular pharmacy?

20 A. Usually, Rite-Aid. Most of all mine are done
21 at Rite-Aid or through mail order through my
22 prescription drug company.

23 Q. And who is your prescription drug company?

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1 A. Caremark.

2 Q. Caremart?

3 A. Caremark.

4 Q. Caremark? I'm sorry. And is that through
5 your company?

6 A. Yes.

7 Q. Any particular Rite-Aid that you go to?

8 A. It's on West Main. It's beside Bruno's or
9 behind Bruno's -- Southern Market.

10 (Defendants' Exhibit 1 was marked
11 for identification.)

12 Q. I'm going to show you what I have marked as
13 Defendants' Exhibit 1.

14 MR. JAFFREE: I don't think she got that.

15 I got it yesterday. I was going to
16 say, I don't think she got it, but she
17 knows about it.

18 Q. Ms. Martin, that is -- that's not even a
19 signed copy. I just -- I sent that notice
20 of -- it's called a Notice of Deposition that
21 I did send to your lawyer.

22 A. Okay.

23 Q. Have you seen that or something similar to
0010

1 that before?

2 A. I haven't seen this one. I did see the one
3 that you sent for I believe --

4 Q. A prior occasion --

5 A. Right.

6 Q. -- when we had to reschedule?

7 A. Right.

8 Q. And in that particular notice, I asked if you
9 could bring some documents with you. And I
10 just wanted to go over that request. First of
11 all, I asked if you had any documents that
12 either the City provided to you or Judge
13 Gordon provided to you that you had. Do you
14 have anything like that with you here today?

15 A. You're talking about just the first --

16 Q. The first one. The first --

17 A. I --

18 Q. Well, let me ask you. You've got a stack of
19 documents; is that correct?

20 A. Right.

21 Q. And I also asked you if you had any writings,
22 notes, diaries, calendars?

23 A. Yeah.

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1 Q. Do --

2 A. This is what I have.

3 Q. Everything you have in response to this
4 request is before you?

5 MR. JAFFREE: You have a calendar?

6 THE WITNESS: Yeah. I do right here.

7 A. Well, there's more than that if she wants all
8 this because I didn't have a copier that would
9 copy. But basically this is -- I mean, you
10 already have. I prepared from our Complaint
11 and from the Second Amended Complaint by
12 reviewing those for this deposition.

13 Q. And right here, you --

14 A. Right. I reviewed those.

15 Q. I don't need that then.

16 A. This was given to me by the judge sometime --

17 Q. I'm going to mark that as Defendants'
18 Exhibit --

19 A. But I don't have a copy of that.

20 MR. JAFFREE: Can you identify what judge
21 you're referring to for the Record?

22 A. Judge Gordon.

23 MR. JAFFREE: Are we on the Record or not?
0012

1 MS. NELSON: Yes, we're on the Record, but
2 I'm going to ask her --

3 Q. I'll get you copies but right now, so we can
4 identify what we're talking about, or if you
5 want me to, I can pencil it in and substitute
6 it.

7 A. Oh, no. That's fine. I just don't have
8 another copy of that.

9 (Defendants' Exhibit 2 marked for
10 identification.)

11 Q. So you gave me what I've marked as Defendants'
12 Exhibit 2.

13 A. Yes, ma'am.

14 Q. It's called -- and upon it, it says, "Rating
15 Guides-Judicial Department." And it's a
16 seven-page document. And can you tell me what
17 this is?

18 A. It's a guide of job duties, responsibilities
19 of each -- or some of the positions in the
20 magistrates' office. The position that I was
21 hired for, municipal court administrator,
22 it -- they did not have the tasks list. It
23 had never been done. And the judge, when we

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1 were doing my first evaluation in April, she
2 requested that maybe I could come up with a
3 draft of the responsibilities because that's
4 really the job position I was supposed to be
5 rated on.

6 Q. I'm sorry. What job position were you
7 supposed to be rated on?

8 A. Municipal court administrator.

9 Q. Did you come up with such?

10 A. Well, this writing is what -- some of the
11 notes that I had jotted down. And then I
12 did -- I don't know the date, but I did in a
13 memo form or e-mail form did submit a draft to

14 her of what I thought was the basic task list
15 for court administrator.

16 Q. I may ask you more about this in a moment.

17 What other documents did you bring?

18 A. I have this that I do have a copy of. This is
19 actually the original that Fran Bailey, a
20 clerk typist that was in the municipal
21 magistrates' office, after she -- she resigned
22 in July. After my termination, she brought
23 this by my house, said she found it in her

0014

1 notes. It's a record of where Eunice Knight
2 mostly, Lavera McClain mostly, one time Mary
3 Turner, and a couple of times Tonya Minifield
4 continued to go in and out a door that they
5 were -- they had been told not to go in and
6 out of for security and safety reasons.

7 And I had done a memo about that. And I
8 had discussed it after the memo with Eunice
9 and Lavera and Tonya, and I did talk to Mary
10 Turner and tell her I didn't want that to
11 happen again because it was a safety issue.

12 But they continued to go in and out, and that
13 just details a certain time period when Fran
14 kept up with it. But Fran typed that herself.

15 Q. I'm going to mark this as Exhibit 3.

16 (Defendants' Exhibit 3 was marked
17 for identification.)

18 And I may ask you more about it, but
19 you're saying Fran gave this to you at your
20 home after you left --

21 A. After I was terminated. Yeah.

22 Q. -- or were terminated from the City.

23 And you were terminated in --

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1 A. October.

2 Q. -- near or about October of 2004; is that
3 correct?

4 A. Right.

5 Q. Do you know when she would have brought this
6 to you?

7 A. We had lunch probably about two months
8 after -- a month or two after I left the
9 City. And she came to my house.

10 Q. Well, had you asked her to keep track of --

11 A. No, I hadn't.

12 Q. -- the door usage?

13 A. No, I hadn't.

14 Q. And she's got dates ranging from June 28th '04
15 through July 15th '04; is that correct?

16 A. Right.

17 Q. And do you know how she recorded or kept track
18 of these dates?

19 A. By -- she could see the entrance and exit to
20 the doors.

21 Q. I mean, this is what she told you?

22 A. Right.

23 Q. Did you ask her to do this?

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1 A. No, I didn't. You've already asked me that
2 question.

3 Q. And do you know why she did this?

4 A. Because she knew that I was having a problem
5 getting Lavera and Eunice to obey the rules
6 and policies that I had for the magistrates'
7 office.

8 Q. And what else do you have?

9 A. Just -- I had prepared for this deposition
10 from your answer to my EEOC charge, which I
11 assume you have a copy of. And I have
12 prepared for my deposition with my response to
13 the City of Dothan Employee Disciplinary
14 Action that I had attached that I had
15 submitted the day I had my due process hearing
16 after my termination.

17 Q. You're right. I do have a copy of the
18 position statement -- the letter to the EEOC,
19 but I'm going to mark --

20 MR. JAFFREE: I don't know if this is the
21 appropriate time or --

22 A. I don't --

23 MR. JAFFREE: -- wait --

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1 A. Yeah, I do have a copy of that.

2 MR. JAFFREE: -- until later. But she
3 also has notes from where we prepared
4 her for this deposition. And we
5 consider that our work product.
6 (Defendants' Exhibit 4 was marked
7 for identification.)

8 Q. Well, first of all, I'm just identifying
9 these -- Exhibit 4, the response to the City

10 during your due process hearing; is that
11 correct?

12 A. That's it.

13 MS. NELSON: Mr. Jaffree, you're saying
14 she made notes while you talked or she
15 brought you notes.

16 MR. JAFFREE: She made notes.

17 THE WITNESS: I made notes.

18 MR. JAFFREE: That's what she's looking at
19 now.

20 MS. NELSON: Well, I would ask her to
21 testify from memory. I mean, if she's
22 relying on those to testify, I mean, I
23 would want to see them. I'm not

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1 trying to --

2 MR. JAFFREE: She can testify from memory,
3 but she may need to refer to those
4 notes to refresh her recollection.
5 After her recollection had been
6 refreshed, then she could speak from
7 her memory.

8 MS. NELSON: Well, again, I'm not trying
9 to invade on attorney/client privilege
10 but if --

11 MR. JAFFREE: Well, you seem to be
12 knocking around the door.

13 MS. NELSON: Well, you're the one that
14 told me about these notes. And if
15 she's going to sit there and look at
16 them, I feel like I'm entitled to see
17 them.

18 MR. JAFFREE: I don't know of any rule
19 that suggests that you're entitled to
20 do that. I mean, these are notes from
21 her thoughts as we were talking and
22 trying to recollect what happened.
23 And these notes may very well include

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1 some of my trial strategy, so I don't
2 see how you can invade that.

3 MS. NELSON: Well, I'm just trying to get
4 the facts, and if she's looking at
5 notes -- we'll cross that path --

6 MR. JAFFREE: These are not my facts. I
7 wasn't there. So it's not that I have

8 put ideas in her head. I wouldn't do
9 that, ethically or morally. But these
10 notes may include litigation
11 strategies. I don't think she's going
12 to have to refer to these notes very
13 often. She's got scribbles and
14 everything else stuck in there.

15 Q. How many pages of notes do you have,
16 Ms. Martin?

17 A. One.

18 Q. Do you feel like you have to refer to those
19 notes to answer my questions?

20 A. Not all of them, no.

21 Q. And you have like -- I'm not trying to get
22 your attorney's advice or any discussion with
23 your attorney. Do you have dates or names on

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1 that pad?

2 A. I have two or three dates -- couple of dates,
3 yes.

4 Q. Names?

5 A. I have two or three names, yes.

6 Q. Do you have any trial strategies written down
7 on that document?

8 MR. JAFFREE: Look, I'm going to object to
9 what's on that document. These are
10 her notes written after the fact, was
11 not drafted while she was employed,
12 part of our discussion. And I told
13 her, this is something you need to
14 remember so you need to write it
15 down. That's how some of these notes
16 occurred. This is all part of the
17 attorney/client privilege
18 communication. I don't see how this
19 is relevant to anything. You can ask
20 her questions related to facts of this
21 case, I have no problem with that. If
22 you want to examine some of the --

23 MS. NELSON: Well, I assure you, I'm going

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1 to ask her --

2 MR. JAFFREE: -- with respect to --

3 MS. NELSON: I'm going to spend all day
4 asking her about this case, but I just
5 feel like I'm entitled --

6 MR. JAFFREE: So you've gone from a half a
7 day now to all day? I'm just trying
8 to provide some levity.

9 MS. NELSON: Well, I'm going to reserve
10 the right to continue to ask about her
11 notes.

12 Q. And would ask that you testify from your
13 memory, Ms. Martin.

14 I also asked if you had any tape
15 recordings or video recordings of any time you
16 worked for the City or about this case. Do
17 you have anything like that in your
18 possession?

19 A. No, I didn't.

20 Q. I'm sorry?

21 A. No, I don't.

22 Q. Do you have calendars or diaries?

23 A. I do have one calendar that there are a few

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1 notes in before August. But mostly the things
2 start August on when Kai Davis advised me to
3 start keeping notes on that. And I would need
4 you to copy that.

5 Q. This will be Defendants' Exhibit Number 5.
6 And I will get copies and mark it maybe
7 perhaps -- get copies at a break.

8 And also tax returns. Did you bring any
9 tax returns?

10 A. I brought W2 forms, and I brought the last pay
11 stub I could find from this year.

12 MR. JAFFREE: Let me, for the Record, say
13 that this may be a contentious area as
14 well. Her husband absolutely refused
15 to have his income -- his employment
16 history brought into this litigation.
17 He said, he's not a party and didn't
18 feel that it was relevant. And I
19 question the relevance of any income
20 related to her husband.

21 A. Except -- can I --

22 MR. JAFFREE: Go ahead.

23 A. -- interrupt?

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1 Except for one year that I could not find
2 just W2 forms on. And my only choice was to
3 have him to agree to submit the income tax

4 return for that one year. But the others are
5 my W-2s.

6 MR. JAFFREE: Well, I told you, you may
7 can black out his information. You
8 didn't do that on that one?

9 THE WITNESS: I couldn't black his out
10 because it was a joint return.

11 Q. Did you file a return for --

12 A. We haven't filed a return for 2006 yet.

13 Q. And why is that?

14 A. Because we just haven't filed a return for
15 2006 yet.

16 Q. Have you requested an extension?

17 A. Of course.

18 Q. And --

19 MR. JAFFREE: Is her return for 2006
20 relevant to this inquiry?

21 THE WITNESS: My W-2s are in there for
22 2006.

23 Q. Well, again I would --

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1 MS. NELSON: Yes, they're relevant.

2 Q. I don't mind you striking out your husband's
3 income, but I would ask that -- I mean, I have
4 a W2 from 2005 from Movie Gallery, but I don't
5 know that that's the extent of your earnings.
6 I'd like to see the tax returns and --

7 A. Well, I can't strike out my husband's income
8 because our accountant uses a computer program
9 that totals in wages and earnings column. I
10 think you'll see on that one that it totals
11 both of ours together. It doesn't list them
12 separately.

13 Q. Well, again, I mean, I'm not going to stop the
14 deposition for it, and I'm going to ask you
15 about this down the road, but I feel like I
16 have the right to obtain that.

17 I'm going to mark --

18 MR. JAFFREE: You, of course, can ask her
19 questions about her income.

20 MS. NELSON: And I will.

21 Q. I'm going to mark as Defendants' Exhibit 6
22 which is --

23 MR. JAFFREE: She is under oath.

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1 Q. -- a W-2 from Legal Services for 2002, a 2003

2 form 1040 income tax return for Jim Martin and
3 Nancy Martin, a 2004 W-2 from the City of
4 Dothan for Nancy Martin, a State of Alabama
5 Department of Industrial Relations form for
6 unemployment compensation for 2004 for Nancy
7 Martin, a 2005 W-2 for Nancy Martin from Movie
8 Gallery, a State of Alabama Unemployment
9 Compensation form for Nancy Martin for 2005,
10 2006 W-2 from Movie Gallery for Nancy Martin,
11 a 2006 W2 for Nancy Martin from Manpower
12 International, 2006 W-2 for Nancy Martin from
13 Belk, Inc., and appears to be a
14 Georgia-Pacific printout of earnings.

15 (Defendants' Exhibit 6 was marked
16 for identification.)

17 Q. Would this be your earnings for --

18 A. No. It's --

19 Q. From what year?

20 A. This year, last pay stub or the last one that
21 I could find.

22 Q. That would reflect your earnings to date --

23 A. Right.

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1 Q. -- for 2007, Georgia-Pacific?

2 Which year-to-date is approximately
3 \$40,522? Does that sound right?

4 A. Yes.

5 Q. And what is your salary at Georgia-Pacific,
6 your annual salary?

7 A. 42,000.

8 Q. And we'll come back to these. Those are all
9 the documents you have in your possession that
10 respond to my --

11 A. That's correct.

12 Q. Just for the Record, will you give your full
13 name, please?

14 A. Nancy Carol Martin.

15 Q. And your Social Security number?

16 A. [REDACTED]

17 Excuse me just a minute.

18 (Witness conferred with her
19 counsel.)

20 Q. Your date of birth?

21 A. [REDACTED].

22 Q. And do you have a driver's license?

23 A. Yes, I do.

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- 1 Q. Alabama driver's license?
- 2 A. Yes.
- 3 Q. Do you know your driver's license number?
- 4 A. No, I don't.
- 5 Q. And you gave me your address a moment ago, but
- 6 can you tell me that again?
- 7 A. 408 Christopher Drive, Dothan, Alabama.
- 8 Q. And how long have you lived there?
- 9 A. Oh, maybe about 11 years.
- 10 Q. And do you reside there with anyone?
- 11 A. My husband.
- 12 Q. What's his name?
- 13 A. Jim Reeves Martin, II.
- 14 Q. All right.
- 15 A. My daughter also resides there with me.
- 16 Q. What's her name?
- 17 A. Dawn, D-A-W-N, Fernandez.
- 18 Q. And how old is she?
- 19 A. She's 32. It's a temporary arrangement.
- 20 Q. Anyone else live there?
- 21 A. My granddaughter, Chloe Smith. She's 9.
- 22 Q. Is she Dawn's daughter?
- 23 A. Yes. I'm sorry.

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- 1 Q. Anyone else?
- 2 A. That's it.
- 3 Q. And prior to your 408 Christopher address,
- 4 where did you live?
- 5 A. I lived in Carriage House Apartments on Daniel
- 6 Circle in Dothan.
- 7 Q. And how long did you live there?
- 8 A. Probably two to three years.
- 9 Q. Prior to that?
- 10 A. I lived on Aberdeen Drive in Dothan.
- 11 Q. How long did you live there?
- 12 A. Probably a year.
- 13 Q. Are you from Dothan?
- 14 A. Yes.
- 15 Q. Born here?
- 16 A. Yes.
- 17 Q. And went to school here?
- 18 A. Went to school at Midland City, Dale County
- 19 High School.
- 20 Q. Now, other than Jim Martin, have you been
- 21 married to anyone else?

22 A. Yes.

23 Q. And how many times have you been married?

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1 MR. JAFFREE: Well, I know all this is
2 irrelevant to this litigation, but you
3 can go ahead and answer the question.

4 A. My first husband of 14 and a half years was
5 Roy Hurst, H-U-R-S-T.

6 Q. Roy Hurst?

7 A. Uh-huh (positive response). And I was married
8 very briefly to John Faison, F-A-I-S-O-N.

9 Q. Okay. And then to Jim Martin?

10 A. Yes.

11 Q. And your marriage to Roy Hurst, how did that
12 end?

13 A. Divorce.

14 Q. Did you have any children?

15 A. Three.

16 Q. What are their ages now?

17 A. Dawn is 32. Chanda is 20 -- 28.

18 Q. I'm sorry. What is her name?

19 A. Chanda, C-H-A-N-D-A.

20 Q. What's her last name?

21 A. Le, L-E.

22 Q. L-E?

23 A. Uh-huh (positive response). And Brandon Hurst

0030

1 is 23.

2 Q. And, approximately, when did you divorce Roy
3 Hurst?

4 A. In 1989.

5 Q. And you married John Faison?

6 A. Yes.

7 Q. When did you marry him?

8 A. Maybe around 1994.

9 Q. And how long were you married to him?

10 A. Seven months.

11 Q. And why did that marriage end?

12 A. Divorce.

13 Q. You need to speak up.

14 A. I'm sorry.

15 Q. Do you have any children --

16 A. No.

17 Q. -- with John Faison?

18 Jim Martin, when did you marry him?

19 A. In 1998. No, I'm sorry. 1997.

20 Q. Any children with him?

21 A. No.

22 Q. This Roy Hurst, does he live in the Dothan
23 area?

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1 A. He lives in Midland City.

2 Q. And where is he employed?

3 A. He's not. He's on disability.

4 Q. Was he employed?

5 A. Yes.

6 Q. Where was he employed?

7 A. For 30 years at Pemco Aerospace in Napier
8 Field.

9 Q. John Faison, does he still live in the area?

10 A. Yes.

11 Q. Is he employed?

12 A. With the City of Dothan.

13 Q. And what is his job?

14 A. I think he works in the body shop.

15 Q. And Jim Martin, is he employed?

16 A. He is self-employed.

17 Q. And what does he do?

18 A. He owns Martin Environmental Services here in
19 Dothan.

20 Q. Your daughter Dawn, is she employed?

21 A. Yes.

22 Q. And where does she work?

23 A. She's a pharmacy tech at Rite-Aid pharmacy.

0032

1 She's also a student.

2 Q. Is she married?

3 A. No.

4 Q. Is she divorced?

5 A. Yes.

6 Q. Does her husband live here in the Dothan area?

7 A. I'm not sure. No.

8 Q. What's his name?

9 A. Patrick Fernandez.

10 Q. And Chanda Le, does she work?

11 A. Yes.

12 Q. Where does she work?

13 A. At Southeast Alabama Medical Center.

14 Q. What's her job?

15 A. Radiology technician.

16 Q. Okay. Is she married?

17 A. Yes.

18 Q. And what's her husband's name?

19 A. Bill Le.

20 Q. What does he do?

21 A. He is -- he works with Toyota in Dothan as a

22 parts -- he works in the parts department.

23 That's all I know.

0033

1 Q. And Brandon, does he work?

2 A. He's in the Army.

3 Q. Is he in the area?

4 A. No. He's in Iraq.

5 Q. Is he married?

6 A. No.

7 Q. Are your parents living?

8 A. Yes.

9 Q. What are their names?

10 A. H. B. Green is my father. Evelyn Green is my

11 mother.

12 Q. And they live in this area?

13 A. They live in Midland City.

14 Q. Does your dad work?

15 A. They are both retired.

16 Q. Did your dad work?

17 A. Yes.

18 Q. Where did he work?

19 A. Michelin.

20 Q. For most of his career?

21 A. For 20 years he worked at Stephenson-Smith IGA

22 as the meat market manager and for the -- for

23 the last 20 at Michelin.

0034

1 Q. Okay. Did your mom work?

2 A. Only the last few years before she retired.

3 She worked at the Midland City Elementary

4 School in the lunchroom.

5 Q. Do you have any brothers or sisters?

6 A. I have a sister named Gail Besecker,

7 B-E-S-E-C-K-E-R.

8 Q. Does she live in the area?

9 A. In Kinsey.

10 Q. Is that near here?

11 A. Yes. It's just a small town.

12 Q. Does she work?

13 A. She works at the Southeast Alabama Medical

14 Center.

15 Q. Is she married?

16 A. No.

17 Q. Do you have any other brothers or sisters?

18 A. Yes. I have two brothers. One is Wesley
19 Green.

20 Q. And what's the other one's name?

21 A. Larry Green.

22 Q. Do they both live in this area?

23 A. Larry lives in Wicksburg, and Wesley is in the
0035

1 process of moving to Tifton, Georgia. Both
2 lives in the Slocomb area right now.

3 Q. Is Wesley employed?

4 A. Yes.

5 Q. Where does he work?

6 A. I'm not sure of the name of the company
7 because he just changed jobs to take a job
8 with a -- I'm not sure if it's a chemical
9 company or -- I'm not real sure.

10 Q. Larry, is he married?

11 A. Yes. Wesley?

12 Q. Yes.

13 A. Yes.

14 Q. And what's his wife's name?

15 A. Lorie Green.

16 Q. Does she work?

17 A. She just resigned her job to move, but she did
18 work.

19 Q. Larry, where does he work?

20 A. He owns Chapman Green Salon.

21 Q. Is that like a --

22 A. It's a hair salon.

23 Q. And is he married?

0036

1 A. Yes. Casey Green.

2 Q. What does she do?

3 A. She owns the hair salon with him.

4 Q. Did you have another sister?

5 A. Yes, I did. Her name is Connie Green -- or
6 Connie Williams.

7 Q. Is she deceased?

8 A. Yes, she is.

9 Q. And when did she pass away?

10 MR. JAFFREE: Is that question relevant to
11 the jury voir dire?

12 MS. NELSON: You can make your objection.

13 MR. JAFFREE: Let me object. I'm not

14 going to instruct her not to answer.
15 It's just that this has really gone
16 way up field.
17 MS. NELSON: You can make your objection.
18 A. I believe she passed away around 1990, 1992.
19 Q. And what were the circumstances?
20 A. I really don't know what this has to do with
21 this case, but she was murdered.
22 Q. And by whom?
23 A. By her boyfriend -- or ex-boyfriend.

0037

1 Q. Do you know what his name was?
2 A. Victor Newman.
3 Q. Newland?
4 A. Newman.
5 Q. Newman. Was he charged with murder or
6 convicted of anything?
7 A. Yes. Convicted of --
8 Q. Convicted of what?
9 A. I assume murder. I can't remember. He's
10 serving a life sentence without parole.
11 Q. Does he have family in the area?
12 A. I'm not -- I think maybe there is some family
13 in Midland City. I'm not sure.
14 Q. Do you know where he worked or what he did?
15 A. No.
16 Q. Did your sister Connie have any children?
17 A. Yes. She had two.
18 Q. And how old are the children?
19 A. Now?
20 Q. Now.
21 A. One is probably -- the little girl -- the girl
22 is probably 19, 20.
23 Q. What's her name?

0038

1 A. Tamara Newman.
2 Q. Is she employed?
3 A. She's in the Air Force.
4 Q. And the other child?
5 A. Victor Newman, Jr.
6 Q. And is he employed?
7 A. I don't know. I don't have any contact with
8 him.
9 Q. Do you have contact with Tamara?
10 A. Occasionally, not very often.
11 Q. Any other relatives in the Dothan area? Do

12 you have cousins?

13 You're smiling like you've got a lot of
14 relatives?

15 A. I have lots.

16 MR. JAFFREE: Did I ever give you that
17 list from --

18 MS. NELSON: You sent me some names, yes.

19 MR. JAFFREE: Mary's --

20 MS. NELSON: Mary Brackin's relatives.

21 Q. Well, let me ask you this: Do you have -- I'm
22 trying not to stay here all day, but I'm just
23 trying to determine who's --

0039

1 MR. JAFFREE: Well, I was thinking maybe I
2 can send you list of hers as well.

3 Q. Well, just give me an idea. Other than your
4 mom and dad, do they have brothers and sisters
5 here?

6 A. Yes.

7 Q. You're saying yes. So, like, how many cousins
8 I assume you have here in town, in the area?
9 When I say "area," South Alabama, Dothan.

10 A. I have many.

11 Q. Okay. Well, I may make the same request then
12 if you could provide your attorney with the
13 names of your cousins and their spouses and
14 where they work.

15 MS. NELSON: I don't think you gave me
16 anything about their employment on the
17 other.

18 A. Just cousins?

19 MR. JAFFREE: I was going to ask her to
20 supplement -- Mary Brackin to
21 supplement the information that she's
22 already provided to counsel.

23 Q. I'm really looking for anybody that's over the

0040

1 age of 18 that lives in the South Alabama
2 area, the names and over the age of 18?

3 MR. JAFFREE: Whether they're dead or
4 not?

5 MS. NELSON: Well --

6 MR. JAFFREE: You don't have to answer
7 that.

8 MS. NELSON: I have the right to know who
9 her relatives are and who may know her

10 or contact with her one way or the
11 other for jury purposes.

12 A. You said a list and where they work. Is that
13 what you asked for?

14 Q. Yes.

15 Maybe you can identify them as your cousin
16 and aunts -- I mean, would your aunts and
17 uncles -- you could add aunts and uncles.
18 Their names were either -- your maiden name
19 was? I'm sorry.

20 A. Green.

21 Q. Green?

22 A. Yes.

23 Q. But if you could give me aunts, uncles,

0041

1 cousins, where they worked, I'd appreciate it;
2 and, again, I guess to the extent that nieces
3 and nephews are over the age of 19. You have
4 quite a -- how many are we talking about? Are
5 we talking about 20 -- 10, 20?

6 A. Nieces and nephews?

7 Q. No. Relatives.

8 A. Overall? No. We're talking about more than
9 20.

10 Q. Okay. My goodness. If you can do your best
11 to give me a list.

12 A. Okay.

13 Q. Have you ever been arrested for anything?

14 A. No, ma'am.

15 Q. Have you ever had a traffic ticket or anything
16 like that?

17 A. Yes, I have.

18 Q. Have you ever been convicted of any crime?

19 A. No.

20 Q. Have you ever filed for bankruptcy?

21 A. Yes.

22 Q. And when was that?

23 A. Probably around 1990.

0042

1 Q. You said you filed for bankruptcy in 1990?

2 A. 1990 or 1991. I'm not sure of the exact
3 date.

4 Q. And you know there are several types of
5 bankruptcy. Do you know what --

6 A. Chapter 7.

7 Q. Chapter 7?

8 A. Yes.

9 Q. And where was that where you filed?

10 A. Here in Dothan.

11 Q. And what was your name at the time?

12 A. Nancy Hurst.

13 Q. And have you filed for bankruptcy at any time
14 since then?

15 A. No, ma'am.

16 Q. And has that case been closed or --

17 A. Yes, many years ago.

18 Q. Have you ever served in the military?

19 A. No.

20 Q. How long has your son been in the military?

21 A. Four years.

22 Q. Other than this deposition that we're here
23 today -- I think I asked you this -- have you

0043

1 ever had a deposition taken?

2 A. I've never had a deposition taken. I have
3 taken depositions by non-stenographic means
4 before in my employment with Legal Services.

5 Q. When you say you've taken them, you mean, like
6 as a court reporter?

7 A. Right. Our clients could not afford court
8 reporters, so I videotaped their depositions
9 and recorded on audio also and transcribed
10 them.

11 Q. But I'm asking -- and I may ask you about that
12 later -- but right now asking about yourself
13 giving sworn testimony in a deposition.
14 You've never done that; is that correct?

15 A. No, ma'am.

16 Q. Have you ever been in a lawsuit before, other
17 than this one?

18 A. I did file just a small claims action over a
19 car accident to get the other party to pay for
20 the damages to my vehicle.

21 Q. Do you know the name of that person that you
22 filed against?

23 A. No, I don't.

0044

1 Q. Do you know when that was?

2 A. No.

3 Q. What was the outcome?

4 A. He was found guilty and a garnishment was --
5 MR. JAFFREE: I'm not sure he was found

6 guilty, probably more like liable.

7 A. Well, liable. Sorry. Liable. And there was
8 a garnishment issued on his wages.

9 Q. Has anyone ever sued you before?

10 A. No.

11 Q. Of course, when you were involved in your
12 divorces, there was legal action there; is
13 that correct?

14 A. They were uncontested. Yes.

15 Q. Did you file or --

16 A. I filed both times.

17 Q. Did you ever offer any testimony in those
18 cases?

19 A. No.

20 Q. Have you ever been a witness in a case where
21 you offered testimony?

22 A. In a lawsuit?

23 Q. Well, a lawsuit or any -- have you ever -- or

0045

1 a complaint against somebody or criminal
2 action or misdemeanor action?

3 A. No. The only testimony I've ever offered was
4 in a personnel board hearing.

5 Q. What did that involve?

6 A. It involved when Mary Beth Brackin had her
7 personnel board hearing.

8 Q. And you testified there?

9 A. Very briefly.

10 Q. What was the nature of your testimony?

11 MR. JAFFREE: Can you just, for my
12 purposes, explain what are you asking
13 her, the nature of her testimony?

14 Q. What were you asked to testify about?

15 A. My knowledge of the discriminatory action
16 being taken -- being done by Judge Gordon in
17 the magistrates' office.

18 Q. And who questioned you about that?

19 A. Ishmael Jaffree and Len White.

20 Q. And were you under oath at that time?

21 A. Yes, I was.

22 Q. Have you ever filed criminal charges against
23 anyone?

0046

1 A. No.

2 Q. Have you ever made a complaint against anyone
3 with the police department?

4 A. Not that I can recall.

5 Q. Would you recall -- I mean, if you had to go
6 to the police and make a complaint, would you
7 not remember that?

8 A. I may have -- I think I made -- yes, I did.
9 Many years ago, I made a complaint with the
10 police about harassing phone calls, harassing
11 communication.

12 Q. And who was making these harassing phone
13 calls?

14 A. Paul Shiver.

15 Q. Who is that?

16 A. I don't know.

17 Q. Okay. How did that -- did the police
18 investigate that?

19 A. There was a trace put on my line -- phone
20 line.

21 Q. Did they stop?

22 A. Only after they traced the call and the
23 police -- as I remember, the police went to

0047

1 his house. I can't recall -- I believe he was
2 arrested. I'm not sure, it was so long ago.

3 Q. Ever made any complaints against Roy Hurst?

4 A. Yes, I did have a TRO against him.

5 Q. What was that for?

6 A. He had -- was after we separated before we
7 divorced, I believe. I'm not sure if it was
8 before or after. He was, what I call,
9 stalking me and the children and had attempted
10 to run me and the children off the road while
11 we were driving, continued to call me and call
12 me and threaten to kill his self and just kept
13 me and the kids upset all the time.

14 Q. And you had a restraining order against him?

15 A. Yes.

16 Q. Did you have to go to court and offer any
17 testimony for that?

18 A. I don't remember having to do that.

19 Q. Did you file any complaints or charges against
20 John Faison?

21 A. No.

22 Q. Have you filed any charges or complaints
23 against Jim Martin?

0048

1 A. Yes.

2 Q. I thought I just asked you that a minute ago.

3 What did you --

4 A. I just couldn't -- I just couldn't remember.

5 Q. What kind of complaints have you filed against
6 Jim Martin?

7 A. Domestic violence.

8 Q. And when was this that you filed a complaint
9 against him?

10 A. I believe it was in 2006, maybe end of May.

11 Q. And what type of domestic violence did you
12 complain about?

13 MR. JAFFREE: Again, let me object to the
14 relevance. I'm not going to instruct
15 you not to answer, but this seems to
16 be so far removed from this case.

17 MS. NELSON: Your objection is noted.

18 Q. What type of domestic violence?

19 MR. JAFFREE: Well, I'm not sure what
20 she's asking for, what type.

21 Q. What had he done that caused you to file a
22 complaint against him?

23 A. He had gotten extremely angry and had tried to
0049

1 choke me and had thrown me across the room and
2 I hit the chest of drawers.

3 Q. Did you call the police, file a complaint?

4 A. I called the police.

5 Q. Did that end up going to court?

6 A. Yes, it did.

7 Q. Did you have to testify there?

8 A. No, I didn't. It was eventually dismissed.

9 Q. Did he have to go to court?

10 A. He went several times because it kept being
11 continued.

12 Q. Did you testify against him?

13 A. I never had to testify against him.

14 Q. And why is that?

15 A. Because there never was court.

16 MR. JAFFREE: She said the case got
17 dismissed.

18 Q. Do you know why it was dismissed?

19 A. No, I don't.

20 Q. Did it have anything to do with that you
21 didn't testify?

22 A. I think it had more to do with the police
23 officer didn't show up, I think.

0050

1 Q. Any other complaints against Jim Martin?

2 A. No.

3 Q. Have you two ever separated?

4 A. Yes, we have.

5 Q. Are you currently separated?

6 A. No.

7 Q. And when were you separated?

8 A. We were separated from the end of May till
9 February of this year.

10 Q. Is there any other police reports or
11 complaints or charges that you've made against
12 anyone?

13 A. I don't think so.

14 Q. Are you a member of any --

15 MR. JAFFREE: You can ask your question.

16 And then can we take a five minute
17 break?

18 MS. NELSON: We can break.

19 (Brief recess)

20 Q. Are you a member of a church --

21 A. Yes.

22 Q. -- in the area? Where do you go to church?

23 A. I'm a member of Bethlehem Baptist Church.

0051

1 Q. And where is that?

2 A. I believe it has a Dothan address, but I'm not
3 sure what that is. Bethlehem Road I believe.

4 Q. Are you a member of any -- is it in Dothan?

5 A. It's out -- well, it's -- a little bit out of
6 Dothan, towards Midland City.

7 Q. How far is Midland City from Dothan?

8 A. About 15, 20 minutes I guess.

9 Q. How about do you -- are you a member of any
10 type of civic organizations or social clubs?

11 A. No.

12 Q. What do you do in your spare time when you are
13 not working?

14 A. My husband and I ride motorcycles. I read a
15 lot. And I spend time with my grandchildren.

16 Q. Do you have your own motorcycle?

17 A. My husband.

18 Q. Speak up a little bit.

19 Are you a member of any type of motorcycle
20 riding club?

21 A. No.

22 Q. When you ride, you ride with him?

23 A. Yes.

0052

1 Q. You don't have your own motorcycle; is that
2 correct?

3 A. No.

4 Q. You said grandchildren; how many grandchildren
5 do you have?

6 A. Three.

7 Q. I'm sorry. I think I registered one. Your
8 other two are -- was Chloe --

9 A. Chloe is the one that lives with me with her
10 mother. My other daughter Chanda has two
11 children.

12 Q. And where do they live?

13 A. With Chanda in Dothan.

14 Q. How old are they?

15 A. 3 and 9.

16 Q. But as far as other activities -- I mean, as
17 far as going to a gym or anything like that,
18 do you belong to anything like that?

19 A. No.

20 Q. Other than the EEOC charge that you filed in
21 the case against the City that we are here for
22 today, have you filed any other EEOC charges?

23 A. No.

0053

1 Q. Tell me where you went to high school.

2 A. Dale County High in Midland City.

3 Q. And did you graduate?

4 A. Yes.

5 Q. What year was that?

6 A. 1974.

7 Q. And following graduation from high school, did
8 you go on to take any other courses or college
9 or training?

10 A. Not right following high school. I married.
11 Later I went back and got my B.S. degree in
12 business administration at Troy State in
13 Dothan. It's Troy University now.

14 Q. What year was that?

15 A. I think I graduated from there in 1999 I
16 believe.

17 Q. And that was a B.S.?

18 A. Yes, it was.

19 Q. Four years?

20 A. Four years.

21 Q. In business administration?

22 A. Right.

23 Q. Is that correct? Okay.

0054

1 A. I also had -- completed a certification
2 program for paralegal at Troy Continuing
3 Education.

4 Q. And when was that?

5 A. I believe that was -- year I completed was
6 1994.

7 Q. All right. Any other training or
8 certifications that you have?

9 A. Well, I've had tons of trainings but not
10 certifications. No.

11 Q. Trainings like on-the-job training or --

12 A. Well, you know, just like SkillPath seminars,
13 training, things like that.

14 Q. What is SkillPath?

15 A. It's a company that puts on trainings and
16 seminars for anyone to attend.

17 Q. So you said right after you graduated from
18 high school, then what was the first -- you
19 said you married?

20 A. Right.

21 Q. What was the first job you held, full-time
22 job?

23 A. Full-time would have been with Legal Services.

0055

1 Q. Okay. And when did you go to work for Legal
2 Services?

3 A. No, no, that's not right. Full-time would
4 have been First Alabama Bank, which is now
5 Regions Bank.

6 Q. Well, let me back up. I mean, when you were
7 in high school, did you work some part-time
8 jobs?

9 A. Yes, I did.

10 Q. Just briefly, where did you work?

11 A. I worked at Hardee's. I worked at Davis
12 Theaters. And then after -- after I married,
13 I worked part-time at Penney's.

14 Q. And what was your job there?

15 A. I worked in advertising department as an
16 assistant.

17 Q. Was that here in Dothan?

18 A. Yes.

19 Q. And how long did you work there?

20 A. Maybe a year and then was laid off.

21 Q. Laid off?

22 A. Yes.

23 Q. And after Penney's, where did you work?

0056

1 A. I believe First Alabama Bank was next.

2 Q. Do you know about what year this was?

3 A. Probably -- maybe 1976, around that time.

4 Q. And what was your job at First Alabama Bank?

5 A. I began as a teller; ended up as the secretary
6 to the director of marketing and personnel.

7 Q. And how long did you work there?

8 A. Five years.

9 Q. And who was the head of marketing and
10 personnel?

11 A. Betty Elsworth, E-L-S-W-O-R-T-H.

12 Q. And was that here in Dothan?

13 A. Yes.

14 Q. And why did you leave First Alabama Bank?

15 A. Betty Elsworth left, and I just wasn't happy
16 with the direction. I guess we were kind of
17 in limbo with no director. And a friend of
18 mine told me about a legal secretary job
19 available with a private attorney in Dothan,
20 and I applied for it.

21 Q. Did you leave voluntarily?

22 A. Yes.

23 Q. You were saying when Betty Elsworth left,

0057

1 nobody replaced her?

2 A. Not for some time, no.

3 Q. Who did you report to after she left?

4 A. I don't recall.

5 Q. Do you know how long you stayed after she
6 left?

7 A. Maybe a couple of months, two or three
8 months. I'm not sure.

9 Q. Were you ever disciplined or reprimanded when
10 you worked for First Alabama Bank?

11 A. Not to my knowledge.

12 Q. You said you heard about a job at a private
13 law firm?

14 A. Uh-huh (positive response).

15 Q. And what was the name of the firm?

16 A. Hardwick, Hause, and Segrest.
17 Q. And did you go to work there?
18 A. Yes, I did.
19 Q. And what year was this?
20 A. I'm not sure.
21 Q. And what was your job there?
22 A. Legal secretary.
23 Q. And did you work for a particular lawyer?

0058

1 A. Yes. I worked for Jerry Segrest.
2 Q. Anyone else?
3 A. No.
4 Q. Okay. What types of duties did you have?
5 A. Making appointments, typing letters, legal
6 documents, billing clients, receiving payments
7 from clients, filing documents with court.
8 Q. How long did you work there?
9 A. A year.
10 Q. And why did you leave?
11 A. I was pregnant and didn't want to be under
12 that kind of pressure.
13 Q. What type of pressure were you under?
14 A. It was just very stressful.
15 MS. NELSON: Off the Record.
16 (Off-the-Record discussion)
17 MS. NELSON: Back on the Record.
18 Q. So getting pregnant with which child?
19 A. My son.
20 Q. So what year was that? Give me a reference
21 anyway.
22 A. He was born in February of '84.
23 Q. So this was around '83?

0059

1 A. Yes, I believe. No -- yes.
2 Q. So you left because you were pregnant. You
3 had a child. Did you go back to work after
4 that?
5 A. I actually went back to work part-time before
6 I had the child, and it was less stressful. I
7 went to work part-time for SouthTrust Bank.
8 Q. Here in Dothan?
9 A. Yes.
10 Q. And what was your job there?
11 A. I was a secretary/teller.
12 Q. And who was your supervisor?
13 A. Ronnie Owens.

14 Q. Owen?

15 A. Owens.

16 Q. Okay. And what was his job?

17 A. He was the branch manager.

18 Q. What branch was this?

19 A. The West Main branch.

20 Q. And how long did you stay there?

21 A. A year and a half.

22 Q. Did your job change any?

23 A. I actually did both. I was a teller two days

0060

1 and a secretary one day.

2 Q. Were you ever disciplined or reprimanded while
3 you were there?

4 A. No.

5 Q. And why did you leave?

6 A. Because I wanted to work full-time again, and
7 I was offered a job by Legal Services.

8 Q. When did you go to work for Legal Services?

9 A. November of '84.

10 Q. Was that here in Dothan?

11 A. Yes, it was.

12 Q. Do they still have an office here?

13 A. Yes, they do.

14 Q. And how long did you work for Legal Services?

15 A. For almost 20 years.

16 Q. What was your job there?

17 A. I was executive secretary.

18 Q. The entire time?

19 A. No. I started as a legal secretary, was
20 promoted to executive.

21 Q. And when were you promoted?

22 A. I don't recall the year. After I had been
23 there about nine or ten years.

0061

1 Q. What is the difference between a legal
2 secretary and an executive secretary?

3 A. A legal secretary, I typed letters and court
4 documents and drafted legal documents. As an
5 executive secretary, it was somewhat like an
6 officer manager. I was over other
7 administrative staff and --

8 Q. How many -- I'm sorry. Go ahead. I was going
9 to say how -- you said you were over
10 administrative staff?

11 A. Uh-huh (positive response). It varied from

12 year to year.

13 Q. The other staff would include what type of
14 employees?

15 A. Legal secretaries, receptionists.

16 Q. How many legal secretaries were there besides
17 yourself?

18 A. When I first took over -- well, I
19 oversaw -- we had the Dothan office and we had
20 a Troy satellite office. Also there was a
21 legal secretary and receptionist there. And
22 there was a receptionist in Dothan and
23 three -- three maybe legal secretaries in

0062

1 Dothan.

2 Q. And who did you report to when you
3 first -- who hired you?

4 A. Steve Caley.

5 Q. Spell that?

6 A. C-A-L-E-Y.

7 Q. Was he a lawyer?

8 A. Yes.

9 Q. Is that who you reported to?

10 A. Yes.

11 Q. And how long did you report to Steve Caley?

12 A. Till he left, but I don't know how many years
13 that was. I don't recall.

14 Q. Approximately?

15 A. Maybe -- I don't know. Six years.

16 Q. Who did you report to after he left?

17 A. In the interim, I reported to Mike Miskowic,
18 M-I-S-K-O-W-I-C.

19 Q. Was he a lawyer there?

20 A. Yes.

21 Q. And how long did you report to Mike Miskowic?

22 A. A few months maybe.

23 Q. And then who did you report to?

0063

1 A. Ishmael Jaffree.

2 Q. That's your attorney here today; is that
3 correct?

4 A. Yes, it is.

5 Q. And what was Mr. Jaffree's title?

6 A. Managing attorney.

7 Q. And how long did you report to him?

8 A. Till I left in 2004.

9 Q. So approximately how long did you report to

10 him?

11 MR. JAFFREE: Let's stipulate that it was
12 14 years. Okay?

13 MS. NELSON: Well, I'm asking her to
14 testify, please.

15 MR. JAFFREE: She doesn't recall.

16 A. No, I do recall. Probably at least 12, 13,
17 something like that.

18 Q. And this was -- the whole time, you worked in
19 the Dothan office?

20 A. Yes.

21 Q. And besides Mr. Jaffree, how many other
22 attorneys were there in the office?

23 A. At what point? I mean, when I first started

0064

1 there, there was a lot more attorneys there
2 then. Then over the years, there became less
3 attorneys because of budget cuts.

4 Q. Well, I don't -- not having worked there,
5 that's what I was trying to understand.

6 A. There might have been -- when I started there,
7 there was probably seven or eight attorneys.

8 Q. And so within the last five years that you
9 worked there, how many attorneys were there?

10 A. Four or five.

11 Q. And did Legal Services -- did you in any way
12 report to somebody in Montgomery or --

13 A. Not directly, no. The managing attorney
14 reported to the central office.

15 Q. Was the central office in Montgomery?

16 A. Yes, it was.

17 Q. Are there offices around the state?

18 A. Around the country. Yes.

19 Q. Alabama --

20 A. Yes.

21 Q. Is there like Alabama Legal Services?

22 A. Yes.

23 Q. Is that correct? And are there a number of

0065

1 offices around the state of Alabama that
2 report to Alabama Legal Services?

3 A. Yes.

4 Q. Do you know how many offices there are?

5 A. No, I don't.

6 Q. I mean, did you ever have any interaction with
7 any other offices in the state of Legal

8 Services?

9 A. At trainings.

10 Q. Okay.

11 A. Very, very little otherwise.

12 Q. Did you go to Montgomery for training?

13 A. I went -- yes, I did go sometimes, yes.

14 Q. While you worked at Legal Services, were you
15 ever reprimanded or disciplined in any way?

16 A. I remember being reprimanded one time. We had
17 a new attorney there that was having problems
18 preparing a certain legal document. And I had
19 been there for quite awhile. And I thought I
20 was assisting him in preparing it by showing
21 him ones we had done before and, you know,
22 suggesting. But he went to the senior staff
23 attorney and told him that I was trying to

0066

1 tell him how to practice law, and the senior
2 staff attorney wrote me up.

3 Q. Who was that?

4 A. Mike Miskowic. Oh, you mean, the person that
5 wrote me up?

6 Q. Yes, the person who wrote you up.

7 A. Mike Miskowic.

8 Q. Did you disagree with that writeup?

9 A. Yes, I did.

10 Q. And why is that?

11 A. Because I was only assisting. I wasn't trying
12 to tell him how to practice law.

13 Q. What types of cases did Legal Services handle?

14 A. Social Security disability, unemployment,
15 housing, family law.

16 Q. When you say "family law" --

17 A. Uncontested divorces, custody.

18 Q. And why did you leave Legal Services?

19 A. For what I thought was a great career move to
20 the City of Dothan.

21 Q. And so you left Legal Services and went to
22 work for the City of Dothan; is that correct?

23 A. Yes, I did.

0067

1 Q. And what job did you accept at the City of
2 Dothan?

3 A. Municipal court administrator.

4 Q. And tell me how you learned about that job.

5 A. In the newspaper.

6 Q. And was it just an ad in the --

7 A. Yes.

8 Q. -- classified --

9 A. It was in the Dothan Eagle.

10 Q. -- section?

11 A. Classified employment ad.

12 Q. And I gather you applied for that job; is that
13 correct?

14 A. Yes, I did.

15 Q. I'm going to give you your calendar back.

16 A. Thank you.

17 Q. We tried to make copies best we could. I'm
18 marking as Exhibit 5, which I think I may have
19 already done, just what you've given me. And
20 I may reserve the right to have to refer to
21 your actual original calendar because I don't
22 know how well it copied after, you know,
23 having to open the spiral pages. That was

0068

1 just one of the housekeeping notes.

2 (Defendants' Exhibit 5 was marked
3 for identification.)

4 Q. Now, when you saw the ad in the paper -- in
5 the Dothan Eagle about the job at the City,
6 what -- for court administrator; is that
7 correct?

8 A. Uh-huh (positive response).

9 Q. What did you do? I mean, did you come down
10 here to the Civic Center? Did you come down
11 here? Did you call anybody?

12 A. I came down here and picked up the application
13 to complete.

14 Q. In the personnel office?

15 A. Yes, I believe so.

16 Q. And did you complete that and turn it back in?

17 A. Yes, I did.

18 Q. Do you know who you turned it back in to?

19 A. No, I don't. In the personnel office.

20 Q. Do you remember when you saw the ad in the
21 paper what was in that ad?

22 A. I believe -- I believe it had something in it
23 about you would be overseeing the municipal

0069

1 court's magistrates' office, supervising
2 magistrates and clerks, be responsible for the
3 traffic tickets that came in, for the fines

4 that were collected, administrative duties. I
5 can't recall everything that it said.

6 Q. Okay.

7 A. I believe it said something about education
8 you had to have and experience.

9 Q. When you turned your application in, did you
10 talk to anyone or they said they would set up
11 an interview?

12 A. I don't recall being told that.

13 Q. Okay. I'll mark that as Defendants' Exhibit 7
14 and ask you if you can look at that, please,
15 and tell me if you can identify that as your
16 application to the City.

17 (Defendants' Exhibit 7 was marked
18 for identification.)

19 A. Yes.

20 Q. You indicated under your education that you
21 had been to Wallace Community College?

22 A. I did my general studies there and transferred
23 to Troy to complete my degree.

0070

1 Q. When you say "general studies," the --

2 A. The first couple of years. I didn't get a
3 degree there. My intention was not to get a
4 two-year degree. It was to get a four-year
5 degree.

6 Q. So you're saying that transferred --

7 A. Right.

8 Q. -- to Troy State --

9 A. Right.

10 Q. -- to get your degree?

11 A. Yes.

12 Q. I had asked you about some other employment.
13 You also listed that you have worked at Ramsey
14 Youth Services?

15 A. That was part-time while I was employed with
16 Legal Services. I answered the phone in
17 addition to my full-time job.

18 Q. Did you work -- what hours of the day did you
19 work for Ramsey Youth Services?

20 A. I usually worked the weekends, sometimes one
21 or two nights a week after my -- from about
22 5:30 till 9, 9:30.

23 Q. What was your salary at Legal Services -- your

0071

1 annual salary?

2 A. When I left?

3 Q. Yes.

4 A. I believe it was 27,000.

5 Q. I'm also looking on your application that you
6 worked for Charter Woods Behavioral Health?

7 A. Part-time in addition to my full-time.

8 Actually, Charter Woods was what -- was what
9 it was called before it was Ramsey.

10 Q. I see. So this was part-time receptionist?

11 A. Right.

12 Q. On the weekends primarily?

13 A. Right.

14 Q. And you've also listed McRae's --

15 A. Part-time.

16 Q. -- where you worked. That was part-time work?

17 A. Right. During Christmas.

18 (Brief pause)

19 Q. You listed references as Linda Lund; is that
20 correct?

21 A. Yes.

22 Q. Who is Linda?

23 A. She was an attorney at Legal Services at one
0072

1 time.

2 Q. Daphne Rudicell?

3 A. She was also an attorney at Legal Services but
4 is in private practice now.

5 Q. And Ted Gashaw?

6 A. He was my supervisor when I worked for First
7 Alabama Bank.

8 Q. And Mary Jarrett?

9 A. She's a personal friend of mine that owns
10 Print Services of Dothan.

11 (Defendants' Exhibit 8 was marked
12 for identification.)

13 Q. Let me show you what I've marked as
14 Defendants' Exhibit 8 and ask if you can
15 identify that for me, please.

16 What are you laughing about?

17 A. That he almost fell.

18 Q. Oh.

19 That first page is a job announcement for
20 the court administrator in September of 2003.
21 Is that the job you applied for?

22 A. It could be. I don't remember it saying three
23 years to complete the Alabama Court Clerks and

0073

1 Magistrates Association Certification

2 Program. I thought it said two years, but

3 other than that, it could be.

4 Q. Was it your understanding that you were
5 supposed to complete a certification program?

6 A. Yes.

7 Q. And did you work toward completing that
8 certification program once you were hired?

9 A. I had only been able to do -- there were four
10 orientation sessions before I was terminated.

11 Q. And how many orientation sessions had you
12 done?

13 A. There was only four, and I had completed the
14 four.

15 Q. Did you obtain an interview for consideration
16 for the job of court administrator?

17 A. Yes, I did.

18 MR. JAFFREE: Point of clarification. Is
19 that an exhibit that you're
20 introducing as a document she
21 received?

22 MS. NELSON: No. It's a document that I
23 asked her about.

0074

1 MR. JAFFREE: Okay.

2 MS. NELSON: It's my deposition. You can
3 ask your questions later on.

4 MR. JAFFREE: Well, no, I'm asking you the
5 question. I was trying to get a point
6 of information as to if that was a
7 document that she allegedly received.

8 Q. Well, your attorney, apparently, is trying to
9 testify for you. Did you ever receive a
10 document --

11 MR. JAFFREE: I'm not.

12 Q. -- called a position announcement?

13 A. Not --

14 Q. But you saw this --

15 A. Not that one.

16 Q. But you saw a position announcement, did you?

17 A. Yes.

18 Q. And you also saw the job description of what
19 the --

20 A. Yes.

21 Q. -- job entailed?

22 And where did you receive that, through
23 your interview? Was it posted on the

0075

1 personnel department? Did Personnel give it
2 to you?

3 A. It was in the newspaper or -- no. It was on
4 the web site.

5 Q. So you could go on www.dothan.org or something
6 of that nature and pull up the job posting?

7 A. Yes, I believe.

8 Q. And what the job entailed?

9 A. Yes, ma'am.

10 Q. And while you may not have seen this actual
11 Exhibit 8 that's in my hand, what I've showed
12 you was virtually what you saw on the
13 Internet; is that correct, the posting?

14 MR. JAFFREE: If you know.

15 A. I don't know. I -- I would have to read that
16 whole thing to know.

17 Q. Okay.

18 MR. JAFFREE: I think it would be more
19 than that. She'd have to recall
20 everything she saw on the Internet
21 site.

22 A. I'm not sure. I know I couldn't recall
23 everything that was listed on that.

0076

1 MR. JAFFREE: I mean, other than match it
2 up. And seems like she'd have to do
3 that.

4 Q. Well, I'm not asking you to match up every
5 single -- but for the most part, you had
6 access to the posting and to the definition of
7 the job and examples of work and what the
8 experience and qualifications were; is that
9 correct?

10 A. I have knowledge -- some knowledge -- memory
11 of what was posted on the web site on that
12 date. Not saying that that is what was
13 posted.

14 Q. "That" being Exhibit 8?

15 A. Right.

16 MR. JAFFREE: Would you like to read that
17 to see --

18 THE WITNESS: I still wouldn't recall all
19 of it.

20 MR. JAFFREE: -- the contents in case
21 somehow they're going to use something
22 that's in there in some mysterious way
23 as to you're assenting to something.

0077

1 I mean, if you want to read that --
2 she would have the opportunity to read
3 that, correct? You don't have a
4 problem with this witness reading that
5 document?

6 MS. NELSON: I don't have a problem with
7 her reading it. She said she saw
8 something on the web site. She
9 doesn't know if she got this
10 particular document.

11 MR. JAFFREE: Well, I think if you're
12 going to ask her questions about that
13 document, she should have an
14 opportunity to examine it since she
15 acknowledged having not receiving it.

16 MS. NELSON: I did give it to her and
17 asked her to look at it.

18 MR. JAFFREE: But you asked her to look at
19 it like you were asking her to look at
20 a funny page. I mean, this is a
21 substantive document here.

22 MS. NELSON: She can look at it all day.
23 I'm just asking what she remembers.

0078

1 She's telling me she remembers. She
2 got on the web site. She saw the
3 posting. She can't remember
4 everything that she saw.

5 Q. Ms. Martin --

6 MR. JAFFREE: Let me ask you.

7 MS. NELSON: It's my deposition.

8 MR. JAFFREE: Yeah. I understand that.

9 MS. NELSON: You can state your
10 objections.

11 MR. JAFFREE: Well, this is a bit more
12 than an objection. If you're going to
13 ask her some specific questions about
14 this document or something that's
15 contained in this document, I'd like
16 for her to have an opportunity to read
17 this. If you are not, then I guess

18 you won't have to. But there are
19 several pages here, substantive
20 information, a lot of different
21 provisions and --
22 MS. NELSON: And I think you're trying to
23 testify for your client. You can ask

0079

1 her questions. I have asked her --
2 MR. JAFFREE: I'm not trying to be
3 clever. I'm just trying to say,
4 there's a lot here. And if you're
5 going to ask her specific questions
6 about this, I think she should be
7 given opportunity to review it. Is
8 that unreasonable?

9 MS. NELSON: She's had every opportunity
10 to review it.

11 THE WITNESS: No, I have not.

12 MS. NELSON: Well, we can sit here and
13 look through it.

14 MR. JAFFREE: That's not necessary unless
15 you're going to ask her specific
16 questions about it.

17 Q. When you got on the Internet and looked at the
18 job, tell me what you remember seeing.

19 A. I can't tell you word for word what I
20 remembered seeing, and this document may not
21 have what I saw.

22 Q. But it could; you just don't know?

23 A. But this was printed probably recently.

0080

1 Q. Do you know what -- when you say it was
2 printed recently, why do you say that?

3 A. Because it looks like -- it looks new.

4 Q. Do you --

5 A. I do -- I don't believe this was in blue print
6 when I saw it on the Internet. This is a new,
7 printed document. It might be the same -- it
8 might be --

9 Q. It might be the same thing you saw --

10 A. Might be, but I can't say that it is.

11 Q. All right. Do you have any reason to believe
12 that that date of the court administrator on
13 September 15, 2003, is erroneous as the
14 closing date for that job?

15 A. It could be correct.

16 Q. Do you have any reason to believe that the job
17 announcement that you were seeking interest in
18 was Job Number 013-03-01?

19 A. I'm not sure that that was the position
20 number. I can't say.

21 Q. But do you have any reason to say that it's
22 not?

23 A. Other than --

0081

1 MR. JAFFREE: She has no reason to say
2 either way. That's what she's
3 saying. She don't remember that.

4 Q. Would you --

5 MS. NELSON: Well, she's trying to point
6 out that it's a newly printed
7 document.

8 Q. Would you have any reason to believe that the
9 personnel office would not keep an accurate
10 file of the documents they had on their system
11 regarding this particular posting?

12 MR. JAFFREE: That's beyond her
13 providence.

14 MS. NELSON: I'm asking --

15 MR. JAFFREE: She doesn't know anything
16 about the personnel office.

17 Q. Well, I'm asking, do you have any reason to
18 believe that they would not keep accurate
19 records of that particular job and that job
20 posting?

21 A. Given my experience with the friendship of Kai
22 Davis and Judge Gordon, yes, I do have
23 suspicion that it could've been doctored or

0082

1 whatever.

2 Q. So it's your testimony that this document I'm
3 showing you regarding the job posting and the
4 job description could have been doctored,
5 based on a friendship between Judge Gordon and
6 Kai Davis; is that your testimony?

7 A. It could have been.

8 Q. But you don't have any proof of that?

9 A. You don't have any proof it wasn't.

10 Q. I'm asking you the questions here. This
11 document was not altered, number one. And I'm
12 asking you, if you're making a serious
13 allegation, what proof you have to support

14 that?

15 MR. JAFFREE: What allegation? She didn't
16 make an allegation.

17 A. I didn't make an allegation.

18 MR. JAFFREE: She said she doesn't know.

19 A. That was my answer to your question.

20 Q. And I'm asking you, what proof do you have?

21 A. That it was altered?

22 Q. Yes.

23 A. I don't have any. I didn't say I had proof.

0083

1 MR. JAFFREE: You're arguing with this
2 witness. You asked her to verify the
3 authenticity of a document that's
4 she's in no position to verify.

5 MS. NELSON: No, I'm not asking her. I'm
6 asking her if she can remember when
7 she looked on the Internet
8 seeing -- I'm on page two of this
9 particular document -- examples of
10 work being performed.

11 Q. Do you recall any of those items being there?

12 MR. JAFFREE: Let the Record reflect that
13 the witness is reading the document.

14 THE WITNESS: The second page of the
15 document.

16 (Brief pause)

17 Q. Do you recognize those?

18 A. A few of them. I'm not sure about all of
19 them.

20 Q. Okay. Thank you. And when you filled out
21 your application, Defendants' Exhibit Number
22 7, do you know if any other documents would
23 have been given to you at that time about the

0084

1 job you were seeking?

2 A. There could have been a -- I guess the copy of
3 the ad or the job description given to me.
4 I'm not sure.

5 Q. I was asking about the interview. You said
6 you interviewed; is that correct?

7 A. Yes.

8 Q. How many interviews did you have?

9 A. I recall two.

10 Q. Okay. The first one, do you recall when that
11 was?

12 A. I think sometime in December of '03.

13 Q. Okay. You actually applied -- let me show you
14 here.

15 A. I saw it. I believe in September.

16 Q. September of '03. Okay. Do you remember who
17 you interviewed with that first time?

18 A. Judge Gordon, Kai Davis, and I believe Jim
19 Smith.

20 Q. Okay. And where did this interview occur?

21 A. I believe in some office here in the Civic
22 Center. I'm not positive.

23 Q. Do you know how long the interview lasted?

0085

1 A. Forty-five minutes to an hour maybe.

2 Q. Do you know -- can you remember what occurred
3 in the interview? Describe for me the
4 interview that you can remember.

5 A. I remember the judge going over the duties. I
6 remember her questioning me about my
7 education, my employment, why I wanted to
8 leave Legal Services to take the job at the
9 City. And I well remember her telling me
10 three magistrates that I would have to look
11 out for that could actually do physical harm
12 to me.

13 Q. And she said that in the presence of yourself
14 and Kai Davis and Jim Smith?

15 A. Yes. She was telling me about all the
16 problems in the magistrates' office.

17 Q. What problems did she tell you?

18 A. Well, basically that there were three problem
19 employees. One would cause me all kind of
20 problems -- or two would cause me all kind of
21 problems. And the other one was just a
22 follower. She didn't really instigate
23 anything. She was a follower.

0086

1 Q. And who were the two that you claim would
2 cause all kind of problems?

3 MR. JAFFREE: Are you asking her from this
4 interview?

5 MS. NELSON: Yeah. From the interview.
6 We were talking about the interview.
7 Yes.

8 Q. I'm asking, what two people were you told
9 would cause you problems?

10 A. They were not named at that first interview.

11 Q. Did you not ask questions about that?

12 A. About the problems?

13 Q. Yes.

14 A. Yeah, I'm sure I did.

15 Q. But you don't remember?

16 A. I basically listened a lot because Kai and the
17 judge were talking and must have reminded me
18 ten times that I would have to be able to stand
19 up to these three and that I'd have to watch
20 my back the whole time, that they would appear
21 to be my friends, but then would sabotage me
22 afterwards as they had done to her.

23 Q. Done to who?

0087

1 A. To the judge, Judge Gordon.

2 Q. And she said that?

3 A. Yeah.

4 Q. What did Kai Davis say?

5 A. Kai agreed with her. Said that she -- said
6 that they were problems. They'd had problems
7 for a while with these and that they hoped
8 that hiring someone from the outside as
9 myself, that I could come in, not being
10 involved in the problems could take control
11 and supervise everyone. And the Judge pledged
12 me 100 percent support, that she would not
13 interfere with my management of the
14 magistrates' office, that she did not have
15 time to hold court sessions and manage that
16 office. And she would turn it completely over
17 to me.

18 Q. Had you ever had any experience working with
19 magistrates before?

20 A. No, I had not.

21 Q. Had you had any experience working in
22 municipal court before?

23 A. No, I hadn't.

0088

1 Q. And it's your testimony, that first interview,
2 three people were mentioned but no names; is
3 that correct?

4 A. Right.

5 Q. Did Kai Davis or Judge Gordon make any
6 comments about any concerns or problems in the
7 magistrates' office just in general without

8 identifying any people?

9 A. In general?

10 Q. Yes.

11 A. Yes.

12 Q. Do you remember what was said there?

13 A. Not as much about that as the three that I
14 should look out for. But, yes, that there had
15 been a history of paperwork missing, a lot of
16 errors being made. They did tell me they had
17 just gone to a new court system, but I
18 wouldn't be -- I wouldn't have as much
19 training on it as the others had had because
20 they had been trained by the -- the company
21 HTE.

22 Q. You said, "new court system." New computer --

23 A. New computer system. I'm sorry.

0089

1 Q. I'm sorry. The new computer system was HTE?

2 A. Yes.

3 Q. And I'm sorry. I was writing down court
4 system. But, anyway, we were talking about a
5 new computer system and that something was --
6 you were telling me something about training.

7 A. That I would not receive as much training as
8 the magistrates had on it because they had
9 gone through two, three weeks of training, but
10 she would try to get me some training on it.

11 Q. Was it your understanding that they were
12 having some problems or issues with this new
13 computer system?

14 A. Yes.

15 Q. Did Jim Smith say anything in the interview?

16 A. I -- he didn't say a whole lot. He did make
17 some comment when I left the interview because
18 he kind of walked out the same time I did. If
19 I understood right, he said, run while you
20 can.

21 Q. Did you ask him what he meant by that?

22 A. No, because I was walking out the door. And
23 he was just saying, bye, have a good day. And

0090

1 then he said, you know, run while -- I think
2 he said, run while you can. That's the best I
3 understood it. He was walking, I guess, back
4 wherever, and I was leaving.

5 Q. Did you know Jim Smith?

6 A. Only had heard of him. Didn't know him.

7 Q. Did you ask questions during the interview?

8 A. Did I ask questions?

9 Q. Yes.

10 A. I'm sure I asked about benefits and salary and
11 probably about the setup of the office and
12 things like that.

13 Q. Did you have any concerns since you had no
14 experience or training with magistrates or
15 municipal court as to your ability to do the
16 job?

17 A. Not really. I had legal experience. I had
18 supervisory experience. And that is what the
19 judge stressed to me, that I just needed to
20 be -- supervise, that I didn't have to work
21 court. She didn't even want me worrying about
22 that. All she wanted me to worry about was
23 overseeing the magistrates and the clerks and

0091

1 getting the office back basically in one
2 accord. There was a lot of dissension.

3 MR. JAFFREE: I think this witness made a
4 misstatement.

5 MS. NELSON: You know, you have the chance
6 to question her.

7 MR. JAFFREE: Well, write down something
8 that she didn't intend. But fine.

9 Q. Do you know Kai Davis?

10 A. Yes.

11 Q. And how do you know Kai Davis?

12 A. We went to school together.

13 Q. At?

14 A. Dale County.

15 Q. Are you and Kai Davis friends?

16 A. We were not great friends, no. Not close
17 friends.

18 Q. Do you know if other people were interviewing
19 for the job?

20 A. I assume so.

21 Q. You do not know any of them?

22 A. I don't know for a fact.

23 Q. Do you know who had held the job prior to you?

0092

1 A. Bettye King.

2 Q. Did you know Bettye King?

3 A. No.

4 Q. Did you know who held the job prior to Bettye
5 King?

6 A. Donna Nicholson.

7 Q. Do you know Donna Nicholson?

8 A. I do -- I do now. I didn't then.

9 Q. You do now?

10 A. Right. Well, Donna called me while -- not
11 long after I was employed with the City, and
12 she worked for an attorney that I was really
13 good friends with.

14 Q. What did she call you about?

15 A. She called to see how I was doing and said
16 that she'd help me if she could.

17 Q. And who was she working for?

18 A. She was working for Will Matthews.

19 Q. Did you need her help?

20 A. No.

21 Q. Do you know why she left?

22 A. Only hearsay.

23 Q. And what did you hear?

0093

1 A. I heard she was terminated; something about
2 somebody took a vacation or something and
3 didn't report the hours right. I'm not sure.

4 Q. I mean, other than what she told you, you
5 don't have any personal knowledge --

6 A. She didn't tell me that.

7 Q. -- of what actually occurred?

8 A. She didn't tell me that. I heard it.

9 Q. Well, even what you heard, who did you hear it
10 from?

11 A. From Sarah Fowler.

12 Q. Okay. You said you had a second interview; is
13 that correct?

14 A. Uh-huh (positive response).

15 Q. Do you know when that was?

16 A. No, I don't. I believe it was sometime also
17 in December.

18 Q. And who was present at the second interview?

19 A. Judge Gordon, Kathleen Nemish.

20 Q. And yourself?

21 A. Yes.

22 Q. Who was Kathleen Nemish?

23 A. She was a -- I'm not sure if she was just a

0094

1 court-appointed attorney, or if she was

2 a -- I'm not sure. I don't recall right now.

3 Q. Had you ever worked with her?

4 A. Had I ever worked with her? No.

5 Q. Did you work with her after you were hired?

6 A. I had conversed with her maybe on the phone or
7 in court. I'm not sure.

8 Q. But you don't know what her job was or role
9 was?

10 A. No.

11 Q. Tell me where the second interview occurred.

12 A. I believe it was in the same office as before.

13 Q. And do you know about how long this interview
14 lasted?

15 A. I don't recall.

16 Q. Do you remember what was discussed in this
17 interview?

18 A. Some of the same things that was discussed in
19 the first, just not as much.

20 Q. "Some of the same things," meaning?

21 A. Of duties. I remember the judge going over
22 with Kathleen what I told her about my
23 experience, education. The judge brought up

0095

1 again the three that caused the trouble, all
2 the problems that had been in the magistrates'
3 office for some time.

4 Q. Did she identify these three people at this
5 time?

6 A. Yes.

7 Q. And who were the three?

8 A. Mary Turner, Mary Beth Brackin, and Sarah
9 Fowler. But it was in a subsequent meeting
10 before I started that she went over -- the
11 Wednesday before I began work on, I believe,
12 February the 16th, the judge had asked me to
13 come in. And we sat down, and she began to
14 tell me something about each magistrate.

15 And she started with Mary Turner. And she
16 told me that Mary Turner was a big
17 troublemaker, that she kept something going in
18 the magistrates' office at -- all the time,
19 that she had had an incident with Kai Davis
20 recently, which is one of the reasons -- the
21 big reason that she didn't have an office.
22 She had a cubby hole, and it was punishment.

23 Then she went on to say that her

0096

1 counterpart was Mary Beth Brackin, who they
2 were friends. She said that Mary Beth had
3 been -- recently created a situation for the
4 City; supposedly had advised a defendant that
5 if he had an issue with the City, that he
6 should take it to the city clerk. Said that I
7 would have to review that material, that
8 incident, after I started and would have to
9 write her up disciplinary action.

10 Then she said Sarah Fowler is the one that
11 is the follower, that she would never
12 instigate anything on her own, that she wasn't
13 strong enough to stand up to Mary Beth and
14 Mary Turner, and she just went along with
15 them.

16 She told me about Mary -- I'm sorry --
17 Michelle Bryan. She said she was very young,
18 very pretty, was divorced, socialized a lot on
19 the telephone, and had police officers in her
20 office a lot socializing, and was dating
21 several police officers, and that I would
22 really have to cut down on her socializing.

23 She then told me about Valarie Savage, a

0097

1 friend of Michelle Bryan's. Said that Valarie
2 had a very poor attitude, was -- had
3 previously worked for Judge Steensland at the
4 Houston County Court, and had been let go
5 there. She told me she had been sleeping with
6 prisoners while employed at Houston County and
7 could possibly be doing the same thing here at
8 Dothan. She told me I would have to watch out
9 for her, that she, too, could cause me a lot
10 of problems, very outspoken.

11 She then told me about Ann Baxter who she
12 said was -- had a problem balancing her money,
13 that she had recently come up \$500 short in
14 her money drawer. And the judge said she
15 believed that Ann had stolen the money, and
16 she didn't know why because Ann had inherited
17 money; she was rich and owned a real estate
18 company. And that was another incident that I
19 would have to be involved in the disciplinary
20 action. And she would get those -- that
21 information to me at a later time.

22 And she identified -- excuse me -- she
23 identified all of these magistrates at a later
0098

1 time. I found out that they were all white.
2 Then she told me about Eunice Knight and
3 Lavera McClain. She said that Eunice was very
4 quiet, basically stayed in her office and did
5 her work and didn't cause any problems.

6 And then Lavera McClain, she said that she
7 trusted Lavera, that -- to never -- that she
8 would never sabotage her as the others did.
9 She said Lavera worked very hard handling all
10 of her duties, and that Eunice and Lavera
11 would be very helpful to me and I should ask
12 for their help.

13 She told me about -- of course, in the
14 interview, she'd already gone over that they
15 were in the process of a move. I believe on
16 either this date or the date I came in for my
17 drug test, TB test, et cetera, either one of
18 those, that she took me over to the old office
19 that they were moving from and showed me. And
20 there was only a couple of magistrates over
21 there at the time. She told me that they were
22 -- would be -- they had -- were in the process
23 of moving, would be in the new office -- were
0099

1 in the new office at this meeting by that
2 time. She put Lavera in charge of the move.
3 The offices, Lavera had assigned.

4 And, basically, told me about, you know,
5 the court sessions, what days. Said that, you
6 know, that I would help her with court, but I
7 would not work court. I would not actually do
8 the computer, that magistrates were assigned
9 to do that. But I just came over to see that
10 everything was going smoothly or to get things
11 for her and make sure the fines room was quiet
12 and check with the magistrate in the fines
13 room occasionally.

14 Q. I'm sorry. The fines room?

15 A. Uh-huh (positive response).

16 Q. What is a fines room?

17 A. Where the fines were paid by defendants.

18 Q. Let me back up. I was asking you about the
19 second interview, and you started telling me a

20 story about things said after -- on February
21 16th. I was going back through that second
22 interview with Judge Gordon, Kathleen Nemish,
23 and yourself.

0100

1 Do you remember anything else that
2 occurred in that interview before you were
3 hired?

4 A. Only thing I remember is, it really bothered
5 me that she just kept on warning me about the
6 damage that could be done to me. And I've
7 just never been afraid of anybody, and I just
8 wasn't afraid -- you know, I just didn't know
9 why that just kept being stressed. I couldn't
10 believe that -- that two, three ladies could
11 do me physical harm. But, in fact, that is --
12 the talk of all of that, when I weighed it
13 against the money that was being offered, that
14 is, in fact, why I turned the position down
15 the first time it was offered.

16 Q. When were you -- when did you first turn it
17 down?

18 A. Sometime after the second interview, sometime
19 in December.

20 Q. And who actually offered you the job?

21 A. I believe -- I'm pretty sure it was Michelle
22 Sellers that made the phone call to me.

23 Q. And do you remember what was said?

0101

1 A. She said that they'd like to offer me the
2 position for municipal court administrator.
3 She told me the salary.

4 Q. What was the salary?

5 A. Seems like maybe 29,000 or something like
6 that.

7 Q. And this was after the second interview; is
8 that correct?

9 A. I believe so, yes.

10 Q. And what did you tell her?

11 A. I told her that I had thought about it. I had
12 also -- I just told her I'd thought about it
13 and I wanted a certain amount of money. I
14 believe I told her an amount, 32, 33,000, that
15 I would take it for, that that just wasn't
16 enough money at 29 or whatever the figure was
17 considering all the problems that there seemed

18 to be.

19 Q. Okay. And do you remember what Michelle
20 Sellers said to you?

21 A. Yeah. She said that she would check with the
22 judge, but the only time they went above that
23 salary, it had to be approved by the

0102

1 commission in special circumstances.

2 Q. Okay. So was there a time they came back to
3 you or did you come back to them?

4 A. No. I had actually forgotten about it. And I
5 got a call, I believe, first of January from
6 Michelle Sellers. And she said -- told me who
7 she was, and she said that -- that I had given
8 them a figure before of what I would come to
9 work at the City for but they couldn't
10 remember that figure, and was I still
11 interested, and if so, would I give her that
12 figure again for the salary.

13 Q. Did you?

14 A. Yes, I did.

15 Q. And was that 32,000?

16 A. I think it was 33.

17 Q. 32 or 33?

18 A. 32 or 33. Yes.

19 Q. And then what happened?

20 A. She said, I'll get back with you.

21 And I did get a call back from her saying
22 that they were going to put it before the
23 commission, and they would like me to take the

0103

1 job if they could get the salary approved.

2 And I told her I would.

3 Q. You told them you would if they could get it
4 approved?

5 A. Right.

6 Q. Were you still working for Legal Services?

7 A. Yes, I was.

8 Q. And do you know if they got that salary
9 approved?

10 A. Yes.

11 Q. Now, did you know Michelle Sellers?

12 A. No.

13 Q. Did you ever meet her during this interview
14 process?

15 A. I know I met her in subsequent meetings

16 after -- after these conversations. I don't
17 recall meeting her before in the interviews.

18 Q. And so your initial contact with her was by
19 telephone?

20 A. Right.

21 Q. Do you know what her job duties were at that
22 time?

23 A. At that time, I believe she was an

0104

1 administrative assistant to the judge.

2 Q. So after you told them that you would take the
3 job if the commission would approve that
4 salary increase, what happened then?

5 A. I was told to come take a drug test, fill out
6 paperwork, do a TB test. Did all that. I
7 gave -- told them I'd have to give Legal
8 Services a month's notice because I had been
9 there a length of time. And we agreed on a
10 start date.

11 However, the judge wanted me to take part
12 in a weekend training that she said HTE was
13 coming here to do some training. And she
14 wanted to put me on payroll as of January the
15 16th, I believe, so I could be paid for coming
16 to that training. But then my actual start
17 date wouldn't be till February the 16th.

18 Q. Did you go to that HTE training?

19 A. I did.

20 Q. Did you get paid for that?

21 A. Yes.

22 Q. So it was like in January that to get you on
23 the payroll, you had to come in and fill out

0105

1 some more paperwork and get your drug test --

2 A. Right.

3 Q. -- and stuff like that?

4 A. Right.

5 Q. And you think that was like January 16th?

6 A. It was before -- I mean, when I was put on
7 payroll I believe was January 16th.

8 Q. Okay.

9 (Defendants' Exhibit 9 was marked
10 for identification.)

11 Q. I'm going to show you what I've marked as
12 Defendants' Exhibit 9. Is that your
13 signature, Ms. Martin?

14 A. Yes, it is.
15 Q. And is that just a -- did you receive an
16 employee handbook?
17 A. Yes, I did.
18 Q. And you signed that, indeed, on January the
19 16th of 2004; is that correct?

20 A. Yes.
21 (Defendants' Exhibit 10 was marked
22 for identification.)

23 Q. And I'm just showing you another document,
0106

1 looks like, signed on that same date,
2 Defendants' 10. Is that your signature?

3 A. Yes, it is.

4 Q. And that's just an acknowledgment of receiving
5 some computer policies and procedures; is that
6 correct?

7 A. Yes, ma'am.

8 Q. Okay. And was it on this -- about the same
9 date that you got your drug test -- did your
10 drug test?

11 A. I'm not sure. I think that was -- I'm not
12 sure if it was that day or before.

13 Q. That day or around that time?

14 A. Could have been before.

15 Q. Okay.

16 A. Somewhere in there.

17 Q. And I'm sorry. Just to clarify, the
18 HTE -- the computer training was like on a
19 weekend following January 16th, 2004; is that
20 what you testified?

21 A. It was on a Saturday, Sunday, and a Monday.

22 Q. Do you remember the dates?

23 A. It had -- I assume it was the 17th, 18th, and
0107

1 19th maybe. I'm not positive.

2 Q. And then it was actually the -- around
3 February the 16th that you started?

4 A. Right.

5 Q. Is that correct?

6 A. Physically started, yes.

7 Q. Now, I'm a little confused about what you were
8 telling me earlier. When you started on
9 February the 16th, had the magistrates'
10 office -- was in the process of moving or had
11 moved?

12 A. It had moved.

13 Q. So you did not get involved in the moving
14 process?

15 A. No.

16 Q. At all?

17 A. No.

18 Q. And do you have any personal knowledge of or
19 about the move, or did you witness the move in
20 any shape, form, or fashion?

21 A. The only thing I saw was when the judge took
22 me to the old office, there was a couple --
23 well, there was a clerk typist there packing

0108

1 up boxes. It was like they were in the
2 process of packing to move and all.

3 Q. Was this before the 16th or on the 16th.

4 A. Of February?

5 Q. Of February, yes.

6 A. It was before. It was before I started.

7 Q. That's where I got a little confused. You
8 stopped by before you started or --

9 A. The judge -- the judge and I met a couple of
10 times before I started work. I came to do --
11 some reason February the 10th sticks in my
12 mind that maybe that's when I came and had the
13 drug test or the TB test. And then I had to
14 come back and have the TB test read, and the
15 judge had asked me to stop by her office when
16 I did this and we talked.

17 Q. And you're saying at one of those times you
18 saw -- this was at the old --

19 A. Right. Right.

20 Q. -- office and some people were still packing
21 up some boxes?

22 A. Yeah.

23 Q. Did you ever see the new office before you

0109

1 actually started?

2 A. From the outside.

3 Q. And as I understand it, they moved literally
4 from the -- the magistrates' office was in the
5 police department where the courthouse is; is
6 that the municipal court?

7 A. It was in a building beside the municipal
8 building. It was in a, like, a white
9 office -- white building beside it. It wasn't

10 in the police department.

11 Q. Was it part of the courtroom?

12 A. No.

13 Q. But right -- but near there?

14 A. Yeah. But it wasn't attached to the courtroom
15 in any way.

16 Q. Gotcha. Okay. And your statement earlier
17 that you said Lavera was -- I assume you're
18 talking about Lavera McClain?

19 A. McClain.

20 Q. I think you testified was over the move?

21 A. That's what the judge said. She had put her
22 in charge of the move.

23 Q. And you made some statement about Lavera

0110

1 assigning offices?

2 A. That's what Fran Bailey told me, that she
3 assigned offices. I believe the judge also
4 told me that.

5 Q. And now, Fran Bailey is?

6 A. She was a clerk typist. She resigned in July
7 of '04.

8 Q. Okay. So you're saying Fran Bailey told you
9 that, that Lavera was assigning offices?

10 A. Right. She's also the one that later brought
11 me the diagram of the offices that Lavera had
12 given each of them a copy -- each of the --
13 the personnel a copy.

14 Q. And when did she bring you this diagram?

15 A. I've already answered that.

16 Q. I don't remember.

17 MR. JAFFREE: Answer it again.

18 A. After I was terminated, we had lunch about a
19 couple of months afterwards, and she brought
20 me the diagram. She had shown it to me while
21 I was employed.

22 Q. Well, I'm sorry. Either I didn't understand
23 that part of it -- I mean, you gave me a

0111

1 document --

2 A. That's the one she brought to me. No --

3 Q. Defendants' Exhibit 3, which is sort of a time
4 line that --

5 A. No, not that. I'm sorry. She did bring
6 me -- and I didn't bring it with me, but she
7 did bring me a diagram of the offices along

8 with this.

9 Q. With Defendants' Exhibit 3?

10 A. Right. She brought me that document and the
11 diagram of the offices that she had shown me
12 while I was employed. It was, according to
13 her, a diagram that Lavera McClain had drawn
14 out assigning offices.

15 Q. I mean, all you know was what Fran told you
16 that that diagram represented?

17 A. All I know -- no.

18 Q. All you know is what Fran told you. I mean,
19 do you know who prepared that diagram?

20 A. I -- Fran told me that Lavera did. Mary Beth
21 Brackin told me that each -- that she had
22 received one also, that each of the -- each of
23 the personnel had received a copy of it

0112

1 because the offices were numbered and labeled
2 where they would be.

3 Q. Okay. Other than what you've heard through
4 Fran or the other magistrates, do you have
5 personal knowledge as to who assigned the
6 offices?

7 A. Other than the judge telling me that Lavera
8 assigned the offices.

9 Q. And the judge told you this when?

10 A. During one of our conversations before I
11 started.

12 Q. Now, did you have an office?

13 A. Yes.

14 Q. And where was your office?

15 A. Kind of -- kind of in the middle. The office
16 was kind of -- had a hallway going -- like a
17 square with my office was kind of in the
18 middle. The clerk typist area was in the
19 middle.

20 Q. Did you have any complaints about your office?

21 A. No. Except for wanting a window, and it
22 didn't have a window.

23 Q. Did you also have the opportunity to obtain

0113

1 some new furniture?

2 A. Yes, I did, at the insistence of the judge.

3 Q. Did you not want new furniture?

4 A. It wasn't necessary, and I continued to tell
5 her it wasn't necessary. There was almost new

6 furniture in there.

7 Q. Did you feel like she was going out of her way
8 to get you some new furniture?

9 A. I felt like I was being bought.

10 Q. That you were being bought?

11 A. Uh-huh (positive response), basically.

12 Q. Because you got new furniture?

13 A. Uh-huh (positive response).

14 Q. You have to say yes or no.

15 A. Yes.

16 Q. Did you ever -- did you get any type of
17 computer or laptop?

18 A. I got a computer like everyone else did. I
19 requested a laptop but was denied one.

20 Q. And why did you want a laptop?

21 A. Because I was working a lot of overtime hours
22 and wanted to be able to spend some time at --
23 more time at home. And I could do some work

0114

1 at home and at least be there with my husband.

2 Q. Do you know of anybody else that had a laptop
3 issued by the City in that office?

4 A. In the -- in that office -- in my office? No.

5 Q. What would you have been allowed -- I'm not
6 sure I understand. If you had a laptop, what
7 would you be able to do at home that you
8 couldn't do at work?

9 A. Well, I would be connected -- networked to the
10 City main frame and all. I could look at
11 dockets to see that they were all together. I
12 could do reports. I could do correspondence.

13 Q. Did you do dockets? I mean, that was part of
14 your job, was doing dockets?

15 A. No, I didn't do them. I did print them
16 sometimes, though. And I did check to see
17 that the cases were on the correct docket,
18 were set for the right day.

19 Q. Were you given -- were there any security
20 issues involved in allowing you to have access
21 to the City's main frame on a laptop at your
22 house?

23 A. Not that I was aware of.

0115

1 Q. Do you know what this computer you requested
2 cost?

3 A. No, I didn't.

4 Q. Do you know why you were denied this computer?

5 A. No, I don't.

6 Q. Well -- and who did you make the request of?

7 A. To Judge Gordon.

8 Q. Well, if she was trying to buy you, why didn't
9 she buy you this computer that you wanted so
10 badly?

11 A. I didn't request a computer right away.

12 Q. Do you know when you requested it?

13 A. I don't remember.

14 Q. How many magistrates -- when you started on
15 February 16, how many magistrates did you
16 supervise?

17 A. There was eight magistrates, two clerk
18 typists, and two temporaries at the time.
19 There was a vacancy for another magistrate
20 that the judge told me about during either one
21 of my interviews or a subsequent meeting. I
22 asked to be allowed to participate in the
23 interviews. And she said, no, that since I

0116

1 hadn't started yet, that she would handle
2 that.

3 Q. Okay.

4 A. I do believe that she already had someone
5 picked out for that position.

6 Q. Okay. Do you know when the interviews were
7 conducted?

8 A. In -- end of January, first of February I
9 believe.

10 Q. Do you know who all was considered for that
11 position?

12 A. No, I don't.

13 Q. Do you know who all were interviewed?

14 A. No, I don't.

15 Q. And do you know who was hired?

16 A. Yes, I do.

17 Q. Who was hired?

18 A. Tonya Minifield who was black.

19 Q. Do you have a problem with black employees
20 being hired?

21 A. I sure don't. I have supervised black
22 employees before then, and I'm still
23 supervising them right now.

0117

1 Q. Do you know how Tonya Minifield did in her

2 interview?

3 A. No, I don't. I know she was a friend of
4 Eunice and Lavera.

5 Q. And how do you know that?

6 A. Because I was told that by her, that she knew
7 them.

8 Q. She knew them?

9 A. She was acquaintances with them.

10 Q. And, again, you don't know who else was
11 interviewed, who else was considered, how
12 Tonya did on the interview, how anybody else
13 did on the interview, do you?

14 A. No.

15 Q. So it's your -- did you -- and this all
16 occurred before you actually started, that she
17 was hired?

18 A. I was already an employee.

19 Q. Were you receiving a paycheck?

20 A. I believe I was an employee. I believe I had
21 already -- I believe these -- these people
22 were interviewed after I had become a City
23 employee, not started the job.

0118

1 Q. Okay.

2 A. And I did request -- since I would be
3 supervising this position also, I did request
4 to be in on the interviews and have some input
5 into that.

6 Q. Okay. Do you know where Tonya -- are you
7 familiar with a register?

8 A. Yes, I am.

9 Q. Do you know where Tonya was on the register?

10 A. No, I don't. All I know is what the judge
11 told me, that Tonya was hired because she was
12 already a magistrate working for Midland
13 City. However, Tonya had very little
14 experience, except for entering tickets. And
15 that was it.

16 Q. Do you feel like Tonya should not have been
17 hired?

18 A. I -- there -- I don't know. I don't know
19 if -- there -- if there were more qualified
20 applicants, she shouldn't have been hired.

21 Q. But you don't know, do you?

22 A. No. I wasn't provided the list or had -- I
23 wasn't allowed to take part in any of it.

0119

1 Q. Other than attending the HTE training, were
2 you expected to do anything for the City until
3 you started on February the 16th of 2004?

4 A. No.

5 Q. Once you started working, where was -- excuse
6 me. Strike that.

7 What were your initial duties when you
8 started working as court administrator?

9 A. Supervising.

10 Q. And what does that mean?

11 A. It means assessing, by my own observation, the
12 employees; learning their strengths and their
13 weaknesses; providing constructive criticism;
14 meeting with them about what they need to
15 improve on. It means --

16 Q. Well, let me stop and ask you, what were you
17 observing?

18 A. Their work.

19 Q. And tell me what their work consisted of.

20 A. Each magistrate supposedly had assigned
21 duties. The judge had given me a list of the
22 assigned duties. And I say "supposedly"
23 because when I first began, I met with all of

0120

1 the employees as a group and then asked them
2 to make an appointment with me to meet
3 individually. I gave them a list -- a copy of
4 the list judge had provided me of the duties,
5 and most of them told me they were shocked
6 because they didn't know that that -- some of
7 the duties were their assigned duties. They
8 had never seen that list before.

9 Q. What duties had they never seen before?

10 A. I don't recall. Each magistrate had a list of
11 duties.

12 Q. Well, that's what I'm trying to get an idea.
13 What type of duties?

14 A. Well, I can't state specifically each one. I
15 can remember some of what some of them did. I
16 know that Mary Turner worked the front window
17 and had a little desk around the corner from
18 there with no office.

19 Q. What does that mean, working the front window?

20 A. It means that she took -- we had a front
21 window that two magistrates worked taking

22 payments for tickets.

23 Q. Who was the other person that worked --

0121

1 A. Ann Baxter.

2 Q. Is that pretty much what they did?

3 A. Pretty much. Well, they did some other minor
4 duties, but pretty much their main
5 responsibility was manning the front window.

6 Q. And that meant, like for example, if I had a
7 speeding ticket and I was going to pay my
8 fine?

9 A. Well, if it was a fine that you could pay
10 without going to court, they took it.

11 Q. So literally, I mean, like -- it was like a
12 payment window and I give them either a check
13 or money?

14 A. Right.

15 Q. And they would give me a receipt?

16 A. Right.

17 Q. They'd have to account for the money?

18 A. Right.

19 Q. It was like a cashier --

20 A. Right.

21 Q. -- type position?

22 A. Right. They also did warrants.

23 Q. And what does that mean?

0122

1 A. They worked the warrant window when people
2 came in and had a complaint for harassment,
3 harassing communication, domestic violence,
4 they had -- they had to sit down with this
5 person and take their statement under oath and
6 get all the details about the occurrence and
7 determine probable cause; and if there was
8 probable cause, issue a warrant for an arrest
9 of the person that committed the incident.

10 Q. So Mary Turner and Ann Baxter did a lot of
11 this?

12 A. A lot of it. Actually, all the magistrates --
13 magistrates could do the warrant window.

14 Q. Is the warrant window the same as the front
15 window?

16 A. It was a side window. There was a hallway
17 beside the front window that they could go in,
18 and there was two little windows there that
19 the person could actually sit down in the

20 hallway. There was a window there that the
21 magistrate could talk to them from the other
22 side.

23 Q. Now, what are some other duties that

0123

1 magistrates do?

2 A. Michelle Bryan worked court.

3 Q. What does that mean?

4 A. She entered -- as the judge heard cases, she
5 entered the orders that the judge issued into
6 the computer system. She looked up cases that
7 a defendant may had -- have had previously
8 when the judge was hearing their plea. They
9 set hearings -- she set hearings in court for
10 later dates. She did the 6A and 6B notices
11 which is when someone doesn't show up for
12 court, they send a 6A notice resetting it
13 again. And a 6B is a warrant.

14 Q. Did anybody besides Michelle do this?

15 A. Yes. Valarie Savage worked court.

16 Q. Anybody else?

17 A. Well, at some time, Mary Beth and Mary Turner
18 weren't working court when I started. I think
19 they had been banished by the judge from the
20 courtroom, so Michelle and Valarie were
21 watching -- were working court. Eunice worked
22 court.

23 Q. What's Michelle's race?

0124

1 A. I'm sorry?

2 Q. What's Michelle's race?

3 A. White.

4 Q. What's Valarie Savage's race?

5 A. White.

6 Q. Why do you -- you said you think they had been
7 banned from court?

8 A. Mary Beth and Mary Turner because --

9 Q. You said you think they had been banned from
10 court. You gave some testimony a minute ago
11 that they had been banned from court.

12 A. Mary Turner and Mary Beth. That's why -- they
13 had worked court, but they had been -- the
14 judge didn't like them working court I believe
15 because they questioned things about
16 defendants or there was some -- they didn't
17 get along with the judge, something. The

18 judge was always writing them up for stuff.

19 This is what Mary Beth and Mary Turner told

20 me. So --

21 Q. But you don't know that, do you; you just know

22 what they told you?

23 A. No. I do know that the judge told me that she

0125

1 had put them out of working court. She didn't

2 want them in the courtroom working. However,

3 they did work it later.

4 Q. And when did the judge tell you that she

5 didn't want them working court?

6 A. I believe the first interview or a subsequent

7 meeting. I can't remember.

8 Q. But you're saying they went back in the

9 courtroom?

10 A. Mary Beth and -- did assist Sarah with

11 prisoners because we -- I was trying to do

12 cross-training, and people's job duties

13 changed during my tenure there to cross-train.

14 Q. There was cross-training going on?

15 A. Not at the time I got there. When I got

16 there, each magistrate only knew their

17 particular job duty. If somebody was out,

18 nobody knew what to do.

19 Q. And you're saying -- so when had this

20 cross-training idea come up?

21 A. When I got there.

22 Q. And what was the plan for cross-training?

23 A. I asked the judge if we could -- if I could

0126

1 change the duties and let them be trained in

2 other duties so if someone was out that

3 another person would know how to do their

4 job. And the judge agreed that that would be

5 a good idea. But she asked me not to change

6 them right to begin with, for me to get in

7 there and kind of get used to the procedures

8 and the people and observe. And then in

9 April, I was allowed to change the job

10 duties. Well, actually, I changed them a

11 little bit because Lavera McClain had to be

12 out for surgery. And I temporarily shifted

13 her duties to Mary Turner.

14 Q. Let me back up. When was Lavera out for

15 surgery?

16 A. Sometime during April.
17 Q. Do you know how long she was out?
18 A. About six weeks.
19 Q. What were her duties at that time, Lavera?
20 A. I believe she was doing the bondsman
21 processes, forfeitures. She did a -- put
22 together a docket for one of the court -- one
23 week of court. She did alias warrants.

0127

1 Q. Did other people do those things?
2 A. Those job duties?
3 Q. Yes.
4 A. No, not at that time.
5 Q. Nobody else did alias warrants?
6 A. Not the kind she did, not for the particular
7 situations that she did.
8 Q. And what situation was that?
9 A. That she had particular types of cases that
10 she did. Like when the judge ordered a alias
11 warrant in court, she would stamp it with that
12 and sign it, and those would go, I believe, to
13 Lavera, and she would enter the alias warrant
14 in the system to be printed out to take.
15 Q. And you're saying no one else did that?
16 A. They did it on other cases.
17 Q. I'm not following you, though. What kind of
18 other cases?
19 A. Well, Michelle -- Valarie did -- some of
20 them -- Michelle, Valarie, Eunice did some,
21 but it was pertaining to the cases of the
22 court that they worked.
23 Q. And you said Lavera did dockets and nobody

0128

1 else did that?
2 A. Yeah. They had their own dockets to do, yes.
3 Q. So other people did dockets?
4 A. Right.
5 Q. And if somebody was going to be out, was it
6 your responsibility to get those duties
7 covered?
8 A. It was their responsibility to get those
9 duties covered. I issued a memo to that
10 effect.
11 Q. Is that not something a manager should do, is
12 to make sure work tasks are covered or
13 reassigned?

14 A. If I've issued a directive that, if you're
15 going be out, to have your duties covered,
16 then they are directed to have their duties
17 covered. And I -- when I did a memo, I said,
18 if you have a problem with getting someone to
19 cover your duties, please let me know.

20 Q. And what if somebody was unexpectedly ill;
21 would you cover their duties?

22 A. I would have someone cover it. I did have to
23 find someone, a volunteer to work court one

0129

1 day because someone called in sick at the last
2 minute.

3 Q. As a supervisor, it was your philosophy to
4 say, if somebody is going to be out, they got
5 to find somebody else to do their job?

6 A. They were -- they were grown people. Yes. I
7 oversaw them, but they had a directive to do
8 it.

9 Q. Who was going to -- if they asked Jane Doe to
10 do their job, who was going to do Jane Doe's
11 job?

12 A. She did both, or they asked somebody, usually,
13 that -- if it was working court that day and
14 they were supposed to be in court, they would
15 ask somebody that wasn't working court that
16 day. And if there was a problem with getting
17 somebody, then I would have to assign someone.

18 Q. Did anybody have a problem in getting somebody
19 to cover their assignments?

20 A. I don't recall there being a problem. I take
21 that back. There was one situation. Michelle
22 Bryan either called in sick or was going to a
23 training, and she did not get somebody to

0130

1 cover court. So that morning, I asked for
2 volunteers. And no one seemed to want to work
3 court. Michelle had not gotten someone to
4 cover. And so I just told them that if
5 somebody didn't volunteer, I would appoint
6 someone. And then someone did volunteer.

7 Michelle wrote me an e-mail saying she
8 didn't know she had to cover her -- if she was
9 going to a training, she assumed that one of
10 the others would just cover it. And I let her
11 know that, again, that she is responsible, and

12 if she couldn't get anybody, to let me know,
13 that I didn't want to be in that situation
14 again.

15 Q. Did you write her up for this?

16 A. No. I had a -- I talked to her about it. I
17 did an e-mail back to her.

18 MS. NELSON: Do y'all want to take a lunch
19 break?

20 MR. JAFFREE: Yeah, if we could.

21 (Lunch recess)

22 Q. Ms. Martin, do you remember that line of
23 questioning about Michelle?

0131

1 A. Uh-huh (positive response).

2 Q. When you said you had talked to her and
3 e-mailed her, do you remember what you
4 e-mailed her?

5 A. Yes. She had -- I e-mailed her
6 that -- because she had said something in her
7 e-mail about she thought we were friends. And
8 I explained to her the difference in my
9 position, that I could be friends but it
10 couldn't go to the point that I couldn't
11 supervise people. And I tried to explain that
12 to her, that that was totally separate from
13 being friends. And I told her that she had --
14 as I had instructed, she had to cover her
15 duties.

16 Q. And her primary duties at that time were what?

17 A. I believe, at that time, it was mostly working
18 court all day on Tuesday, half a day on
19 Wednesday maybe, and a half a day on Thursday.

20 Q. And was this before you went to the
21 cross-training process that we talked about
22 earlier?

23 A. I don't recall the date.

0132

1 Q. Okay. Were you and Michelle Bryan friends?

2 A. Not great friends. She had a lot of interests
3 that I had, as did some of the other ones.

4 Q. Those interests being motorcycles?

5 A. No. We both had children. We talked about
6 that. She had -- her mother had some health
7 problems that she shared with me. Just --

8 Q. Did y'all socialize together?

9 A. I went to lunch with her and Valarie Savage

10 two or three times while I was there.

11 Q. Even after work, did you socialize with her?

12 A. Not that I recall.

13 Q. You said she and some others had some similar
14 interests that you did. What others had
15 similar interests to you?

16 A. I had some similar interests with Eunice. We
17 both had played softball for years and had
18 actually played on opposing teams at times. I
19 had similar -- some similar interests with
20 Mary Beth Brackin. Her --

21 Q. I'm sorry. Go ahead.

22 A. Because she had children, basically. I had
23 some similar interests with Valarie Savage.

0133

1 We had -- one of my best friends is -- was --
2 is a cousin of hers. And I knew some of her
3 family, like her aunt and my -- well, my
4 friend's mother was her aunt. And she had
5 children.

6 Q. Did you ever socialize with Mary Beth or
7 Valarie or Eunice outside of the
8 office -- outside of work -- after work?

9 A. After work?

10 Q. After work.

11 A. Not that I recall.

12 Q. Okay. Did you go to lunch with Mary Beth or
13 Valarie?

14 A. Yes.

15 Q. Back to this idea of cross-training, were you
16 aware that there had been discussions about
17 cross-training before you ever started working
18 for the City of Dothan?

19 A. No, I wasn't. It was never mentioned to me.

20 Q. Okay. Did you ever provide any assistance in
21 the way of money or clothing to Michelle
22 Bryan?

23 A. Money or clothing?

0134

1 Q. Yes.

2 A. It -- I don't really recall. It's possible
3 that I did give her some hand-me-downs, some
4 clothes that I had that I had outgrown or
5 whatever. I don't -- I could have done that.

6 I --

7 Q. Did you ever loan her money?

8 A. I never loaned her any money. I might --

9 Q. Did you give her money?

10 A. I might have not -- I might have given her
11 some to give to her family or something when
12 her niece died. I don't know. I don't really
13 recall.

14 Q. What were your normal hours of work?

15 A. They were supposed to be from eight to five I
16 believe, but I ended up working late a lot of
17 days, came in on the weekend some.

18 Q. When you worked late, what were you doing?

19 A. What was I doing?

20 Q. Yes.

21 A. Some of my duties like some reports or --

22 Q. What kind of reports?

23 A. I had to do the -- I -- I didn't to begin

0135

1 with, but I did -- I had to do the state
2 treasurer's report. I --

3 Q. And what is that?

4 A. It's a report that goes once a month to the
5 state treasurer for the amount of fines and
6 costs collected by the municipal court.

7 Q. Okay.

8 A. I had cases -- we had lost paperwork that I
9 stayed to search for sometimes. Others stayed
10 also with me to search for it.

11 Q. Like?

12 A. Lost cases that were set for court hearing on
13 a docket.

14 Q. And how often did you have to stay doing that?

15 A. Well, we were missing cases about every week.

16 Q. When you say, "missing cases," the paperwork
17 was lost?

18 A. Paperwork was misplaced. It was either
19 misfiled or laying in somebody's office.

20 And --

21 Q. But you're saying that happened periodically?

22 A. Well, about once a week when there was court
23 being -- the weeks court was held.

0136

1 Q. How many cases go through a court a year?

2 A. I think the previous year there had been
3 12,000 tickets maybe and -- I don't know --
4 three, four, 5,000 other types.

5 Q. What would the other types be; were they

6 misdemeanor-type, non-traffic?

7 A. Right, non-traffic.

8 Q. How many magistrates were -- strike that.

9 Was there lost paperwork by a person that
10 was responsible for it or something just
11 didn't get in a file or was anybody written up
12 for this?

13 A. Are you talking about a specific -- I mean, a
14 lot of people had paperwork in their office
15 that they might -- might have forgot was
16 there, might have got buried. I did do a memo
17 to Michelle Bryan when she realized that some
18 cases that she had in her possession got
19 buried, lost during a move from the original
20 office to the new one.

21 Q. Did that result in some cases having to be
22 dismissed?

23 A. I don't know that for a fact.

0137

1 Q. You said you sent her a memo. Did you --

2 A. I brought the --

3 Q. -- reprimand her, or was it a --

4 A. Not -- I --

5 Q. -- disciplinary action?

6 A. Well, it was a -- I think it was a
7 disciplinary action, but it was a memo that
8 went in her file to begin with because I
9 brought this to the attention of the judge and
10 showed her a list of the cases. And to begin
11 with, it just -- I guess the judge just
12 glanced at it or whatever. It wasn't a real
13 big deal. And the judge and I discussed what
14 to do, and we agreed that I would do a memo to
15 her and let her know, you know, that -- not --
16 to know where the files are at all times. So
17 I did a memo to her, explaining that I was
18 putting it in her file and all and told her
19 she had to be a lot more careful with cases.

20 And then sometime later, Ashton Ott, the
21 city prosecutor found out about these cases
22 and said I -- said something about some of
23 them would have been companion cases, felonies

0138

1 that they lost the opportunity to prosecute.

2 I never was given any paperwork proving that
3 or anything.

4 Q. Proving what?

5 A. That those cases, in fact, were lost -- I
6 mean, they couldn't prosecute them for a
7 felony. She didn't identify which ones or
8 whatever.

9 Q. "She" being Ashton?

10 A. Ashton.

11 And at that point, the judge contacted me
12 and told me I needed to write Michelle Bryan
13 up a disciplinary action. And I was
14 uncomfortable doing that because I had already
15 done the memo to her that the judge and I had
16 agreed on. And, you know, I brought that to
17 the judge's attention that I had already done
18 the memo. And she said because Ashton was
19 really upset about it and because they'd found
20 out that it was connected to some felony
21 cases, companion cases, whatever, that I had
22 to do a disciplinary action on her. And I did
23 that.

0139

1 But right before I left, I was working on
2 three disciplinary actions that I had been
3 instructed to do by the judge. And
4 Michelle --

5 Q. Let's stick with just this one right now.

6 A. Okay. Well, Michelle was one of them. And a
7 week before I was terminated, I had personally
8 taken the writeup over to the judge for her
9 review. She was not there. I laid it on her
10 desk, and that's the last I saw of it or the
11 last I heard of it till -- never mind.

12 Q. Until what?

13 A. Till I read in some of the -- or heard in the
14 personnel hearing of Mary Beth that I had
15 never done the writeup, refused to do it,
16 which is totally a lie.

17 Q. You're saying, Mary Beth -- who --

18 A. It was either during --

19 Q. Mary Beth Brackin said --

20 A. Mary Beth Brackin's personnel -- no. Mary
21 Beth didn't say.

22 Q. Who said?

23 A. Judge, Judge Gordon, either testifying during

0140

1 Mary Beth Brackin's personnel board hearing or

2 in some responsive pleading that was filed by
3 you or Len White or whoever, the judge said in
4 there that I refused or never did the
5 disciplinary writeup.

6 Q. On Michelle?

7 A. On Michelle.

8 Q. But you're not sure where that comes from;
9 it's something you read or saw.

10 A. Well, I'm sure it's in some of the --

11 Q. Court paperwork?

12 A. Yes. Don't know which one, but it -- it is in
13 there.

14 Q. And when you did the memo to Michelle before
15 Ashton Ott -- let me back up. Ashton Ott, at
16 the time, was with the City's attorney's
17 office; is that correct?

18 A. Right.

19 Q. And she was a City prosecutor; is that
20 correct?

21 A. Right.

22 Q. When you first did that memo before Ashton Ott
23 got involved, is it fair to say you didn't

0141

1 know all the facts or the seriousness of what
2 Michelle had done; is that correct?

3 A. I don't think anybody knew the seriousness at
4 that time.

5 Q. And then once Ashton got involved in her role
6 as City attorney and prosecutor, it came to
7 everyone's attention how serious the situation
8 was, that Michelle had kept all of those files
9 in her office or had left all that in her
10 office; is that correct?

11 A. She didn't keep those in her office. She
12 wasn't aware they were in there.

13 Q. Well, that's your terminology. They were in
14 her office. What were they -- is that
15 correct?

16 A. I don't know if they were in her office. She
17 told me that they were buried in the move, and
18 while looking for other missing paperwork, she
19 found them, and let me know about it.

20 Q. And then once she let you know, what did you
21 do with them?

22 A. I took them to the judge and explained the
23 situation.

0142

1 Q. Now, you said, there were two other situations
2 that you were in the process of doing a
3 disciplinary action on someone.

4 A. Right.

5 Q. Is that correct?

6 A. Yes.

7 Q. Who were the other two?

8 A. Mary Turner and Ann Baxter.

9 Q. Okay. Why were you doing a disciplinary
10 action on Mary Turner?

11 A. That's a good question. There was a -- loud
12 voices kind of -- I don't even call it a
13 confrontation. I was there in the hallway
14 between Mary Turner and Ann Baxter about some
15 case -- don't know what case, don't recall --
16 where they raised their voices at each other
17 and I went -- I was sitting in my office and
18 saw them and heard it, went out there to see
19 what was going on. And by that time, some of
20 the other magistrates had gathered there. And
21 I told them -- I asked them what the problem
22 was. And both of them said, nothing, we do
23 this all the time. You know, we raise our

0143

1 voice at each other. Mary says something. I
2 say something back.

3 And I said, well, I don't want it
4 happening out here in the hallway or anything,
5 and y'all just need to cool it.

6 Then to be sure that there really wasn't
7 something going on, when they got back to
8 their offices, I went and talked to Ann Baxter
9 privately and asked her if I -- if she needed
10 me to take it up with the judge, if she needed
11 me to -- if she thought it was worth
12 disciplinary action of Mary, was it more than
13 what they had told me in the hallway. I
14 wanted it from her one on one.

15 And she just laughed and said, no, Mary
16 and I have been doing this for years.

17 Q. And as their supervisor, you thought that was
18 appropriate conduct?

19 A. I didn't see it as a big deal because others
20 in the office raise their voices, too.

21 Q. Did you ever see Mary Turner throw or become

22 angry and throw a stack of warrants all over
23 the floor?

0144

1 A. I don't recall that.

2 Q. Isn't that something you might remember if you
3 saw it?

4 A. Yes, if I saw it. I guess I didn't see it.

5 Q. You've never heard of her doing that?

6 A. No.

7 Q. Do you think that would warrant disciplinary
8 action?

9 A. Not necessarily.

10 Q. Have you ever supervised anybody before?

11 A. I think I've answered that already.

12 Q. Who --

13 A. And I still supervise to this day.

14 Q. Who did you supervise at Legal Services, how
15 many people?

16 A. Like I said, at different times, I supervised
17 different numbers of people.

18 Q. Like two secretaries and a receptionist?

19 A. To begin with, I supervised a legal secretary
20 in Troy, a receptionist in Troy, a
21 receptionist in Dothan, and three or four
22 legal secretaries.

23 Q. Did you fill out their evaluations?

0145

1 A. Yes, I did.

2 Q. Could you hire and fire them?

3 A. I could recommend.

4 Q. And you thought it was normal conduct for
5 people to be yelling and screaming in the
6 office?

7 A. It wasn't quite like that.

8 Q. Does the public come in the magistrates'
9 office?

10 A. Not in that particular place.

11 Q. And where did this take place?

12 A. In the hallway.

13 Q. Did the public see it or hear it?

14 A. They couldn't see it.

15 Q. Could they hear it?

16 A. I don't know. Undoubtedly, according to the
17 judge, a trustee heard it because that's who
18 she claims told her about it. But I don't
19 recall seeing a trustee there at that time.

20 Q. So the two other instances -- was Mary
21 Turner and -- the situation you described
22 involved two other people?

23 A. Right. And I was made to write Mary Turner up
0146

1 and that -- and that disciplinary action, I
2 did against -- I mean, I -- the judge told me
3 to and I did it. And that's the second one
4 that I laid on her desk about a week before I
5 was terminated. And I never heard anything
6 else about it. And the judge disputes -- also
7 makes mention that I refused to do the
8 disciplinary action.

9 Q. And your --

10 A. Which those would be on my computer -- you
11 know, should still be on there.

12 Q. The judge's disputing it, your reference point
13 there comes from what?

14 A. From the same thing as the other I told you.

15 Q. Either the hearing or --

16 A. Hearing or --

17 Q. -- something you read in --

18 A. -- reading somewhere in some of these
19 documents. Yes.

20 Q. -- court documents?

21 Now, did you know Ashton Ott before this
22 issue with Michelle Bryan and the documents
23 came up?

0147

1 A. Did I know her? I had met her over in court.

2 Q. Or interacted with her?

3 How frequently was she in court?

4 A. Quite frequently.

5 Q. Quite frequently?

6 A. Uh-huh (positive response).

7 Q. And how often were you in the courtroom?

8 A. To begin with, not a whole lot. I mean, maybe
9 once a week.

10 Q. And did that become more frequent?

11 A. When we -- when I changed job duties of some
12 of the magistrates and the -- and two new ones
13 started working court, I was over there more
14 in case they needed assistance or I could
15 get -- so I could get someone to assist them.
16 And I ended up -- there were a lot of -- some
17 days there were a lot more cases on the

18 docket. If there was going to be 600 people,
19 meant there were going to be a lot of people
20 in the fines room. And I would stay over
21 there to make sure -- help the magistrate keep
22 that in order.

23 Q. Who were the two new ones?

0148

1 A. Lavera McClain and Eunice Knight. Well, not
2 really -- Eunice had worked one part of court,
3 but she hadn't worked with traffic court.

4 Q. Newton court?

5 A. Right.

6 Q. And was this part of this cross-training?

7 A. Yes.

8 Q. And isn't it true that y'all were actually
9 rotating duties periodically for everybody to
10 learn all aspects of the magistrates' job?

11 A. Right.

12 Q. And was it like a 90 day or --

13 A. No, it wasn't. There was no agreed-upon time
14 period. We said every two to three months.

15 Q. Every two to three months. Okay. And who is
16 "we?"

17 A. Me and the judge, Judge Gordon.

18 Q. And, now, when the two of them were in court,
19 would you assist them if they needed help?

20 A. I took things to the fines room for them.

21 But, no, I wasn't trained to work the court
22 system in court.

23 Q. Did you ever make any decisions in the

0149

1 courtroom as to how attorneys could proceed or
2 how they had to conduct themselves in court?

3 A. I'm not sure I understand your question.

4 Q. Well, did you make any rules or policies or
5 procedures that affected attorneys filing
6 motions?

7 A. I didn't make the policy. Judge Gordon made
8 the policy, and I did the memo. No, let me
9 take that back. Judge Gordon did the memo.

10 Q. What policy memo are you talking about?

11 A. I'm talking about the one where -- there was
12 one where if the attorneys did not enter
13 appearance or if they wanted -- or if they
14 wanted to enter a plea or any motions, if that
15 was not done I believe seven days before the

16 court time, they had to bring it
17 over -- appear in court and bring it before
18 the judge after she convened court.

19 Q. Did you ever refuse to let attorneys file
20 motions?

21 A. No.

22 Q. Did you ever get involved in attorneys
23 appearing and instruct them as to what order

0150

1 they could handle a particular case or submit
2 filings in a particular case that may have
3 been on the docket that day?

4 A. No. The memo directed that.

5 Q. And what memo are you talking about?

6 A. I'm talking about the same memo.

7 Q. And what did it direct?

8 A. Just what I told you, that attorneys are to go
9 before the judge after she convened court to
10 file those if they weren't filed in a timely
11 manner. Actually, that wasn't a new memo.
12 That was a policy before I came. It just
13 wasn't being enforced, as were many others not
14 enforced.

15 Q. I'm still not sure I'm following you or that
16 we're on the same wavelength here. Explain
17 this memo to me.

18 A. Well, if -- if y'all had provided what we
19 asked for in documents, you could show it to
20 me, and I could tell you. But you didn't.

21 Q. Well --

22 A. But there is a memo.

23 Q. Well, I'm asking you to describe that memo.

0151

1 A. I just -- I've already answered that
2 question. I told you it was from the judge.

3 Q. Well, I don't understand it, so I want you to
4 expand on it.

5 A. The judge did a memo to all magistrates,
6 clerks, everyone in the magistrates' office.
7 Actually, I believe the memo -- no, it didn't
8 just say magistrates. It said to all
9 concerned parties. And these were given
10 out -- this memo was given out when an
11 attorney appeared with a motion that was not
12 being timely filed and they were given this
13 document, letting them know that they either

14 have to be timely filed because it affects the
15 docket or -- and I believe it -- I'm pretty
16 sure it said, seven days before. And if not,
17 they or someone from their office would have
18 to appear at their allotted court time for the
19 case and present the documents to the judge at
20 that time.

21 Q. Okay. And are you aware of any attorney being
22 affected by this memo?

23 A. An attorney being affected?

0152

1 Q. Yeah.

2 MR. JAFFREE: I'm not sure the question is
3 clear. It's too opaque. Affected
4 how? Because the memo wasn't
5 addressed to the attorney.

6 Q. Well, did you interpret this memo -- well,
7 what if a motion was not timely filed, what
8 would happen?

9 A. Just what I said. They're supposed to go over
10 to the court and file it with the judge and
11 let her decide. If they filed them timely,
12 they could be attached to the court paperwork,
13 entered in the computer system, and sent over
14 to the judge if there was time before the
15 court date. If not, they were attached to the
16 paperwork and sent over with the court
17 docket. If they weren't timely filed, they
18 had to go to court.

19 Q. If it was not, in your eyes, timely filed,
20 would you refuse to take it?

21 A. I would not take it in the magistrates'
22 office, no, because I was directed to send
23 them to court.

0153

1 Q. Did you ever in court refuse to take a filing?

2 A. Did I?

3 Q. Yes.

4 A. No.

5 Q. Do --

6 A. If one was presented to me in court, that
7 was -- the court date, they were to go before
8 the judge.

9 Q. So you would not file it; you would tell them
10 to take it up with the judge?

11 A. I didn't file things in the courtroom.

12 Q. When you were in the courtroom, what were you
13 doing?

14 A. Sometimes I was observing the magistrates work
15 in court. Sometimes I was observing the
16 magistrate in the fines room. Sometimes I was
17 in the fines room, keeping the loud talk and
18 laughter and everything down. Sometimes I was
19 talking to attorneys that I knew.

20 Q. You were, in essence, trying to learn the job;
21 is that correct?

22 A. I was trying to learn the job, and I was also
23 observing the people that I supervised. I was

0154

1 not learning to work court because that was
2 not my job duty.

3 Q. But if you had to supervise those that worked
4 court and handle all the other things
5 magistrates do, weren't you expected to know
6 or learn what the job entails?

7 A. I was learning, but I wasn't expected to sit
8 down there and do it.

9 Q. Were you ever expected to interact with the
10 public?

11 A. Yes.

12 Q. And did you?

13 A. Many times.

14 Q. Were you expected to interact with the public
15 defender and the City attorney's office?

16 A. Sure.

17 Q. What was your relationship with Ashton Ott?

18 A. I thought it was pretty good until I asked her
19 not to demean, degrade the magistrates in open
20 court. I very nicely called and asked her not
21 to do that, to please call me and let me know
22 about the situation, and we could work out a
23 solution. And she ended up throwing a fit

0155

1 over the phone and hanging up on me, which was
2 very unprofessional.

3 Q. Who do you contend she was demeaning in open
4 court?

5 A. That particular time was Michelle Bryan and
6 Valarie Savage.

7 Q. Did you see this happen?

8 A. No, I didn't.

9 Q. And how do you know that this occurred?

10 A. They told me it did.

11 Q. What did they tell you?

12 A. They told me that she was -- she had an
13 outburst and said that the magistrates were so
14 stupid, that they had made error again, and
15 they couldn't do anything right.

16 Q. And this was just coming from Michelle and
17 Valarie; is that correct?

18 A. No. One of the police officers in court told
19 me also.

20 Q. Who was that?

21 A. Brad Baum.

22 Q. Who?

23 A. Brad Baum.

0156

1 Q. And what did he tell you?

2 A. He told me that there was outburst by her but
3 that there had been many degrading
4 magistrates.

5 Q. When you learned this, what did you do?

6 A. I told you. I picked up the phone, and I
7 called Ashton. And I asked her what happened,
8 and she said that she didn't do that. But I
9 asked her, I said, if you have a problem with
10 the magistrates, please call me and let's work
11 something out about it, instead of degrading
12 them in front of hundreds of defendants and
13 other attorneys and all.

14 Q. And your testimony is that she then hung up on
15 you?

16 A. She did hung up on me. She did hang up on me.

17 Q. And if Ashton's recollection of that event is
18 different, you would say she was not being
19 truthful?

20 A. I would say she's lying.

21 Q. Do you know if she's made complaints about
22 you?

23 A. Not to my knowledge.

0157

1 Q. Ashton is white; is that correct?

2 A. Right.

3 Q. What about the public defenders; what's your
4 relationship with the public defenders?

5 A. Specific --

6 MR. JAFFREE: Well, are there more than
7 one?

8 A. Give me names.

9 Q. How many public defenders do you know?

10 A. Give me names of what you're asking.

11 Q. I'm asking you, do you know the public
12 defenders for the City of Dothan?

13 MR. JAFFREE: Let me object to the form of
14 the question. It doesn't indicate at
15 what point in time does she know the
16 name of the public defenders, now,
17 then?

18 MS. NELSON: Then when she worked with the
19 City of Dothan as court
20 administrator.

21 A. I believe Shaun McGhee was one.

22 Q. Anybody else?

23 A. I think Ginger Emfinger or Scarborough or
0158

1 whatever. She went by two different names.

2 Q. You seem hesitant. Did you not work with them
3 very often?

4 A. I was over in court. I didn't -- I mean, I
5 socialize with them.

6 Q. Socialized meaning?

7 A. I mean in court, talking to them.

8 Q. What would you say your relationship with
9 Shaun McGhee was?

10 A. I had a good relationship with Shaun McGhee.

11 Q. What about Ginger?

12 A. I thought I had a good relationship with
13 Ginger.

14 Q. Are you aware of any complaints that they have
15 made against you?

16 A. No. I would love to see the written
17 complaints that were made against me, though.

18 Q. Do you contend that every complaint has to be
19 in writing?

20 A. I contend that the judge had a policy that
21 every complaint to her had to be in writing,
22 or she wouldn't entertain it.

23 Q. And what do you base this on -- that statement
0159

1 on?

2 A. The judge's telling me that. And she advised
3 me that -- not to entertain complaints made to
4 me or she would prefer I didn't unless they
5 were made in writing.

6 Q. Did the magistrates come and complain to you?

7 A. Yeah, I have some written complaints.

8 Q. I mean, did anybody ever complain to you
9 that's not in writing?

10 A. Sure.

11 Q. What did they complain to you about?

12 A. About all the errors that they were having to
13 correct for Eunice and Lavera.

14 Q. Is it your contention that only Eunice and
15 Lavera made errors?

16 A. No, it's not my contention. They certainly
17 weren't the only one that made errors. They
18 just made a hundred times more than anybody
19 else did.

20 Q. And how do you -- what do you base that on?

21 A. Because I saw paperwork. I pulled the
22 paperwork to look at it. I looked it up in
23 the court system. I checked everybody's,

0160

1 behind everybody.

2 Q. And your testimony is they have a hundred
3 times more errors than anyone else?

4 A. Right.

5 Q. Did you keep documents of errors that were
6 made?

7 A. At the time I was employed, yes. Most of the
8 time, I would -- I wanted to ask them to
9 correct it, but the judge had told me that if
10 it's just simple errors and the person
11 complaining could make it as quick as they
12 could, they should just correct it.

13 Q. What type of errors are we talking about?

14 A. Not recalling -- well, recalling warrants in
15 the computer system. Or these are the worst
16 ones, the very bad ones: Recalling warrants
17 in the computer system but not getting the
18 warrant secured from the police department,
19 jail. And people would be wrongly arrested
20 then because there would still be a warrant
21 out. Errors such as no disposition code in
22 many cases where they'd worked court and just
23 hadn't followed up and done the paperwork.

0161

1 They filed them away unfinished. Court dates
2 set that should have been an arraignment was
3 set on traffic days.

4 Q. Was the computer responsible for any of these
5 errors? Could the computer have been
6 responsible for any of these errors?

7 A. Yes, it was responsible for a few.

8 Q. Did Ann Baxter commit errors?

9 A. Sure she did. I said all of them did.

10 Q. Were hers a hundred times worse than anybody
11 else?

12 A. Hers were -- no, not that much. She was the
13 next one that committed errors.

14 Q. Did you ever write her up?

15 A. No, I didn't. I didn't write Eunice and
16 Lavera up. I wasn't allowed to. They were
17 untouchable.

18 Q. What did you want to write them up for?

19 A. For all the errors that they were making.
20 They weren't -- it wasn't changing. You
21 expect over time the errors to lessen.

22 Q. Well, you just told me about three. Are you
23 aware of anybody else that recalled a warrant

0162

1 in the computer system that somehow didn't get
2 communicated to the jail?

3 A. Yeah.

4 Q. Who?

5 A. Ann. But she didn't do it near as many times
6 as Lavera and Eunice did it.

7 Q. How many times did Lavera do it?

8 A. I don't have a specific count.

9 Q. How many times did Eunice do it?

10 A. I don't have a specific count.

11 Q. Did Valarie or Mary Beth or Mary Turner or
12 Michelle, did they recall any warrants in the
13 system that didn't get communicated to the
14 jail?

15 A. I'm sure they -- maybe ever -- occasionally.
16 I don't know if they did it -- I don't
17 remember or recall if they did it while I was
18 there.

19 Q. But feel like they did?

20 A. They could have.

21 Q. Did you write them up or try to write them up?

22 A. No, because they didn't do it. They were --
23 why would I write one person up and not be

0163

1 allowed to write others up? That was unfair.

2 Q. What about any other magistrate fail to enter
3 a disposition code besides Eunice or Lavera?

4 A. I don't recall ever seeing one.

5 Q. How many dispositions code errors did Eunice
6 make?

7 A. I don't have a count. I don't have the
8 documents.

9 Q. What about Lavera?

10 A. Many.

11 Q. What about setting the court date for -- I
12 think you said, setting a court date for a
13 time that something else was going on. I'm
14 sorry. You said there was another error that
15 they set a court --

16 A. They would set court dates. They were not
17 paying attention or checking their work. They
18 had court dates -- people would print out on a
19 docket that their court date should actually
20 be on a traffic court. They would be on an
21 arraignment day, or vice versa.

22 Q. Arraignment day. That's what I --

23 A. Yeah.

0164

1 Q. How many times did Lavera do this?

2 A. Many.

3 Q. How many is "many?"

4 A. In fact their -- I did an -- I did an e-mail
5 to Lavera and Eunice because it kept happening
6 and kept happening. I did an e-mail to them,
7 advising that Valarie and I were having to
8 continually correct these dates and that they
9 should pay better attention and get them set
10 on the right court dates. And from then on, I
11 was going to be taking it back to them to
12 correct instead of us correcting them.

13 Q. They were setting these dates because they
14 were the two people working court; is that
15 correct?

16 A. Not always.

17 Q. Who else was working court?

18 A. The errors didn't always happen from working
19 court.

20 Q. Did anybody else besides Eunice or Lavera make
21 a court date entry for a time when it was
22 arraignment day, for example?

23 A. Could have, not -- not in the quantity that

0165

1 Eunice and Lavera were doing.

2 Q. But I think just a little while ago when I was
3 asking about who was working court, it was
4 primarily Eunice and Lavera when you were
5 there?

6 A. At that particular time.

7 Q. Is that correct?

8 A. At that particular time, yes. They started
9 working court the end of June. Until that
10 time, the major court was worked by Valarie
11 Savage and Michelle Bryan.

12 Q. Do you know how many errors they made?

13 A. Very few during my tenure.

14 Q. Are you aware that any attorneys or members of
15 the Bar in Dothan made complaints against you
16 or about you?

17 A. No, I was never given any complaints that were
18 made against me. And if there were any made,
19 I was never provided anything. But if they
20 were made, it was because I was enforcing
21 policies that had not been enforced before.

22 Q. And what policies were those? I know we've
23 talked about the memo -- I mean, about the

0166

1 motions not being timely filed. What other
2 policies are you talking about?

3 A. Well, that was the main one. And then there
4 was a memo -- because the attorneys were bad
5 about coming up to the court magistrates
6 working court, wanting to get court documents
7 before court started. And that was put a stop
8 to. There was a memo directing them or
9 bondsmen not to come up and take paperwork --
10 case paperwork from the magistrate working
11 court, and they weren't happy about that
12 either.

13 Q. Are these policies that you put out?

14 A. Well, the first one we talked about was under
15 the judge's signature.

16 Q. I'm talking about the memos regarding the
17 bondsmen and attorneys.

18 A. It might have been under my signature, but it
19 was discussed with the judge and agreed to by
20 the judge. And it was copied to the judge.

21 Q. When did you discuss this with the judge?

22 A. Before I did the memo.

23 Q. Was anybody else present?

0167

1 A. I don't know. Can't recall. That was also --
2 part of that was also a policy before I came
3 there that just wasn't being enforced.

4 Q. What part was that?

5 A. The attorneys getting paperwork before court
6 started -- I mean, from the magistrates.

7 Q. Did you ever keep any records regarding errors
8 made on -- where there may be -- where you're
9 posting moneys and needs to be a reversal or
10 improper handling of the moneys?

11 A. Say that again.

12 Q. Did you ever keep any records of magistrates
13 who were involved in, like, posting moneys
14 paid that were, say, wrongfully posted and
15 moneys had to be -- or the entry had to be
16 reversed?

17 A. There was a lot of -- several things brought
18 to my attention on that, and I had to have
19 Valerie Harris, the city auditor, had to --
20 her with Accounting got involved with doing
21 some of those reversals because they were not
22 being done right.

23 Q. Was this before you got there or after you got
0168

1 there?

2 A. This was after I got there.

3 Q. Well, I'm going to show you, for example --
4 (Defendants' Exhibit 11 was marked
5 for identification.)

6 Q. I'm just going to show you what I've marked as
7 Defendants' Exhibit 11. Is that something you
8 can identify for me? Is that your writing?

9 A. Where?

10 Q. On that first page.

11 A. No, it's not.

12 Q. Do you know who did that?

13 A. No, I don't. It's not my writing.

14 Q. Do you know what that document is?

15 A. Yeah. It's where a reversal was done. Could
16 have been --

17 Q. You need to speak up. It's where a what is
18 done?

19 A. A reversal.

20 Q. And what is a reversal?

21 A. When something is posted to the wrong account
22 or posted wrongly.

23 Q. Did you keep -- have you ever seen this one
0169

1 before?

2 A. No, I haven't.

3 Q. And you don't know who did that?

4 A. Kind of looks like Mary Beth Brackin's
5 writing, but I couldn't swear to that. Don't
6 recognize the name at all.

7 (Defendants' Exhibit 12 was marked
8 for identification.)

9 Q. Let me show you one that's marked Defendants'
10 Exhibit 12. That's also a reversal; is that
11 correct?

12 A. Yes.

13 Q. Is any of that your writing?

14 A. No, it's not.

15 Q. Do you recognize whose that might be?

16 A. I can just guess. Could be Mary Beth
17 Brackin's, but I've never seen it.

18 (Defendants' Exhibit 13 was marked
19 for identification.)

20 Q. Another one, Defendants' 13, is that a
21 reversal?

22 A. Yes, it is.

23 Q. Do you recognize that writing?

0170

1 A. Can't say for sure. It's not my writing.

2 MR. JAFFREE: Let me, for the Record,
3 object to Defendants' 11, 12, or 13
4 being attached to the deposition for
5 any purpose. The plaintiff/witness
6 cannot identify them. She said that
7 they're not her writing and she don't
8 know when these was generated. She
9 can't attest to the veracity of any of
10 these documents.

11 (Defendants' Exhibit 14 was marked
12 for identification.)

13 Q. Let's me show you Defendants' Exhibit Number
14 14. Is that also a reversal?

15 A. Yes.

16 Q. Do you recognize any writing on that document?

17 A. No. I wasn't even there that day, and it's

18 not my writing. And I don't really know whose
19 it is. I believe I was off that day.

20 Q. Well, as manager of -- or as court
21 administrator, were you responsible for --
22 supervising the magistrates, we've established
23 that. Are you charged with knowing if

0171

1 reversals take place in the office?

2 MR. JAFFREE: Let me object to the form of
3 the question, the relevance of the
4 question, and the implication from the
5 question that these are reversals that
6 she should have known about. This
7 witness don't know anything about
8 these reversals, whether or not they
9 was manufactured yesterday, at the
10 time of the report to have been
11 manufactured, who drafted them, or
12 anything. So if you're going to
13 criticize her for --

14 MS. NELSON: You stated your objection.
15 I'd ask you not to testify for her.

16 MR. JAFFREE: Well, I'm not testifying.
17 I'm only --

18 Q. As court administrator, it's your testimony
19 that you've never seen one of these documents?

20 A. That's right.

21 Q. You've never seen the form itself?

22 A. Yeah, I've seen the form.

23 Q. Are you charged with keeping track of how many

0172

1 reversals that somebody has been charged with
2 or made?

3 A. Say that again.

4 Q. Are you responsible for knowing if a
5 particular magistrate has posted -- wrongly
6 posted money that had to be reversed?

7 A. I -- I can't say that I always knew, no. And,
8 especially, the last one, I was on vacation at
9 the time and had appointed a magistrate in
10 charge in my absence.

11 Q. Well, when you come back, isn't it your duty
12 to know what's going on in the office?

13 A. Well, I really didn't have time when I came
14 back because I was pretty much terminated
15 after that time.

16 Q. Well, I think one of those was dated in July.

17 You weren't terminated right after that, were
18 you?

19 A. I never saw the document, though. I can't do
20 anything about things I didn't see.

21 Q. And why is it that you did not see it?

22 A. I don't know.

23 Q. Are you not responsible -- did you make an
0173

1 attempt to find out who had reversals and who
2 didn't?

3 A. Mostly if Accounting or Valerie Harris called
4 to let me know, yes.

5 Q. You said, you've seen this form. Tell me your
6 understanding of how this form is used?

7 A. I believe Mary Beth -- no. I don't know who
8 did -- whoever did the reversal had to fill
9 out a form that I believe went in with their
10 balancing sheet.

11 Q. And as court administrator, you don't know who
12 was responsible for doing reversals or keeping
13 up with that?

14 A. The -- each magistrate that did the wrong
15 would reverse it, unless it was so wrong that
16 Accounting or Valerie Harris had to get
17 involved as she did many times.

18 Q. But you're saying -- you said earlier a couple
19 times that Mary Beth might have, Mary Beth
20 might have. Was Mary Beth responsible for
21 keeping track of reversals?

22 A. She did the balancing of all the moneys.

23 Q. Best of your knowledge -- I know you're saying
0174

1 you don't recognize this, you think it might
2 be Mary Beth. Are these forms something that
3 Mary Beth worked with or was responsible for?

4 A. I don't know that that's Mary Beth's writing.

5 Q. I'm not --

6 A. And I --

7 Q. I'm asking you, who's responsible for that?

8 A. I don't know. I -- I've never seen these
9 (indicating) particular documents. I've seen
10 a blank document. These could have been
11 generated, as my attorney said, at any time.

12 Q. Do you have reason to believe that Mary Beth
13 would not accurately fill one of those forms

14 out?

15 A. I can't testify to that because I don't know
16 that Mary Beth did that.

17 Q. Do you know what was done with these forms?

18 You said you've seen a blank one. Have you
19 ever filled one out?

20 A. Can't say I have or hadn't.

21 Q. Would you know how to fill one out?

22 A. Yeah. Looks pretty simple.

23 Q. Then what would you do with it?

0175

1 A. I would think it -- it would go in with the
2 balancing paperwork for the fines and costs
3 that were accepted during the day on the
4 report.

5 Q. You would think, but that's what you don't
6 know?

7 A. I was only training to do that when I left. I
8 had done it a few times. Mary Beth was the
9 one that did the balance -- the overall office
10 balancing for most of the time that I was
11 there.

12 Q. How many dockets did you prepare when you were
13 there?

14 A. I didn't prepare dockets.

15 Q. Who did?

16 A. Valarie Savage and Mary Beth Brackin.

17 Q. And if Mary Beth was out, who would prepare
18 the docket?

19 A. Are you talking about a specific incident or
20 just in general?

21 Q. In general.

22 A. She usually had them posted before she was
23 out. They were usually posted two weeks in

0176

1 advance.

2 Q. And if they weren't?

3 A. There never was a time that they weren't.

4 Q. It's your testimony that there was not a time
5 period when Mary Beth was out for two weeks
6 and court couldn't be held for two weeks
7 because --

8 A. That is my testimony.

9 Q. -- dockets weren't posted?

10 A. And anything else is a lie.

11 Now, do you want to ask me about the

12 specific incident when Mary Beth was out?
13 Because the last week of the month, court is
14 not held. So one of the weeks Mary Beth was
15 out, there was no court. So there was no
16 docket. And before she left, she had posted
17 the next two weeks' dockets. And I'm sure if
18 they haven't been destroyed, those dockets are
19 still in the magistrates' office.

20 Q. Ms. Martin, we're going to be here for a
21 while.

22 A. Yeah.

23 Q. And you can continue this sarcastic tone with
0177

1 me and accusations of lying, and we'll just
2 stay here --

3 MR. JAFFREE: Hold it.

4 A. I want you to give me names and --

5 MR. JAFFREE: One moment. You're arguing
6 --

7 Q. It's my place to ask you questions. I can ask
8 my question any way I want to.

9 MR. JAFFREE: You're arguing with the
10 witness.

11 MS. NELSON: I am because she's arguing
12 with me.

13 MR. JAFFREE: She's not giving a --

14 MS. NELSON: She's arguing with me and
15 she's accusing --

16 THE WITNESS: No, I'm not.

17 MR. JAFFREE: She's not giving a sarcastic
18 tone. She's just simply explaining to
19 you what --

20 MS. NELSON: She is not, and you know it.

21 MR. JAFFREE: Well, no, I don't know it.

22 I mean, she says she have answered the
23 questions, and she have answered the

0178

1 question. I mean, you can --

2 MS. NELSON: That's not what she said.

3 Q. Okay. Tell me about this time that
4 Ms. Brackin posted documents -- the docket
5 sheet?

6 A. I just told you. What else do you want to
7 know.

8 Q. Well, when did this occur?

9 A. Before she was suspended.

10 Q. And you suspended her; is that correct?

11 A. No. The judge suspended her. I was made to
12 do the writeup.

13 Q. Do you know what offense she had committed?

14 A. Don't know for a fact.

15 Q. It involved conduct that occurred before you
16 got there; is that correct?

17 A. Yes, it was.

18 Q. Did you feel like it was inappropriate to
19 write her up for something that occurred when
20 you weren't there?

21 A. Yes, I felt it was inappropriate. I wasn't
22 there, was not employed at that time, and it
23 was totally appropriate for the judge to do

0179

1 that since she was supervising at that time.

2 Q. You don't disagree with the writeup; you just
3 disagree with the fact you had to sign off on
4 it?

5 A. I disagree with the writeup.

6 Q. And why did you disagree with it if you
7 weren't even there?

8 A. Because the judge gave me the material to
9 review, and I reviewed it.

10 Q. What did you review?

11 A. Documents.

12 Q. What documents?

13 A. Of what -- I believe what the defendant says
14 happened, what Mary Beth says happened. I was
15 told by the judge that there was -- or maybe I
16 was there when they did the -- I can't
17 remember -- the investigation. I'm not sure.
18 Mary Beth had a few investigations.

19 Q. Do you know anything about this investigation
20 or who ordered it or prompted it?

21 A. Only what I heard -- was told to me.

22 Q. And you don't know personally for a fact, do
23 you, what happened?

0180

1 A. I know what I read in the documents and what I
2 was told.

3 Q. And what were you told?

4 A. That -- I don't even remember which one this
5 is, whether it's --

6 Q. If you don't know which one is it, how do you
7 know whether you agree with it or not or think

8 it was inappropriate or not?

9 A. Because I confused -- she had -- she was
10 investigated more than once.

11 Q. When you were working there, how many times
12 was she investigated?

13 A. One -- see, I don't remember if she was
14 investigated for this before I got there or
15 after. I know that I was in on one, which I
16 think is this one where I had to actually be
17 in to serve a -- be in there for her to sign a
18 document in the investigation. And then I
19 was -- then I left.

20 Q. So that's the only one that you were even
21 involved in, this one particular one; and that
22 would have been in 2004 when you worked for
23 the City. Is that correct?

0181

1 A. That I would have been there?

2 Q. Yes, employed by City?

3 A. Yes, I believe so.

4 Q. And she was suspended for ten days at that
5 time; is that correct?

6 A. That's right.

7 Q. And it's your testimony that she had prepared
8 dockets, which covered the time for which she
9 had been suspended?

10 A. Right. There wasn't court one of those weeks.

11 Q. And what week was that?

12 A. That was the week of April the 26th.

13 Q. And how do you recall so vividly that there
14 was no court the week of April 26 of 2004?

15 A. Because it's one of those things that I
16 remember because the judge told me on May the
17 10th to have Mary Beth post dockets down in
18 the police room or something. And when I went
19 to Mary Beth and told her to post the docket,
20 she said, I already posted those before I left
21 on suspension. She posted the ones for that
22 week and the week before.

23 Q. So May 10th -- the week before May 10th would

0182

1 be May 3rd?

2 A. May 3rd. Yeah, May 3rd.

3 Q. I don't understand -- what happened the week
4 of April the 26th?

5 A. There was no court. It was the last week of

6 the month. They didn't hold court the last
7 week of the month. There were no dockets.

8 Q. What about the docket for May the 3rd?

9 A. I told you, she had already posted it.

10 Q. And May 10th?

11 A. And May 10th.

12 Q. So normally, how far out does she post a
13 docket?

14 A. Usually two weeks.

15 (Brief pause)

16 Q. Let me show you what has been marked as
17 Defendants' Exhibit Number 24 to Ms. Brackin's
18 deposition and ask if you can identify this
19 for me, please, ma'am. I think maybe this
20 should be attached to it, also. Do you
21 recognize your signature on that, Ms. Martin?

22 A. Yes, I do.

23 MS. NELSON: And I would ask that y'all

0183

1 not talk while I'm questioning.

2 MR. JAFFREE: Well, you wasn't
3 questioning. That was a pregnant
4 pause.

5 Q. If I could see that for a second. I
6 apologize. That's the only copy I have.

7 This is a disciplinary action report
8 administered to Ms. Brackin; is that correct?

9 A. Yes.

10 Q. And were you present when this disciplinary
11 action was administered to her?

12 MR. JAFFREE: I'm not sure I understand
13 the question, "administered to her."

14 What does that mean?

15 Q. When that document was given to her, were you
16 present?

17 A. I don't recall because I don't have my
18 calendar from that far back.

19 Q. Well, I'm just asking from your memory. Were
20 you --

21 MR. JAFFREE: If you remember.

22 Q. Either you remember or you don't. I mean, do
23 you remember if you were there?

0184

1 A. I don't recall.

2 Q. You don't recall?

3 A. I don't recall.

4 Q. Do you know -- well, I'll put it this way:
5 You signed it on April 22nd. Judge Gordon
6 signed it on April 22nd. And Mary Beth
7 Brackin signed it on April 22nd, according to
8 this document.

9 Do you remember Mary Beth Brackin
10 discussing this disciplinary action with you?

11 MR. JAFFREE: Again, object to the form of
12 the question. There's no specifics as
13 to time. The two of them could have
14 discussed that document yesterday.

15 Q. Well, have you discussed this with Mary Beth
16 Brackin, whether it was in April of 2004 or
17 yesterday?

18 A. Yes.

19 Q. And when did y'all discuss it?

20 A. I don't recall.

21 Q. Did you discuss it while you worked at the
22 city and you were her supervisor?

23 A. Not that I recall.

0185

1 Q. Do you know if she ever grieved or appealed
2 her disciplinary action?

3 A. I don't recall.

4 MR. JAFFREE: For the Record, there is no
5 grievance or appeal available.

6 There's only an ability to make a
7 statement.

8 MS. NELSON: Well, that's your statement.
9 It's not testimony.

10 MR. JAFFREE: That's the rules.

11 MS. NELSON: No. There's --

12 MR. JAFFREE: Well, we'll show you the
13 rules tomorrow.

14 MS. NELSON: That's what I'm saying.
15 That's your statement. Is that an
16 objection?

17 MR. JAFFREE: We'll read the rules
18 tomorrow and see what it says.

19 Q. Did you ever discipline Ann Baxter?

20 A. I was in the middle of writing it up, her
21 disciplinary action, at the time I was
22 terminated; had not completed it.

23 Q. And what was this discipline for?

0186

1 A. It was for her drawer being short money, an

2 incident that happened before I began.

3 Q. And you're saying you were in the process of
4 writing her up when you were terminated?

5 A. Yes.

6 Q. And you were terminated when?

7 A. I was given the notice on 10/12 I believe. I
8 was officially terminated on 10/18.

9 Q. Of 2004?

10 A. Yes.

11 (Brief pause)

12 (Defendants' Exhibit 15 was marked
13 for identification.)

14 Q. I want to show you what I've marked as
15 Defendants' Exhibit Number 15 and ask if that
16 is not a disciplinary action that you gave to
17 Ann Baxter or that you completed on Ann
18 Baxter.

19 Is that your signature?

20 A. Yes.

21 Q. Does that refresh your recollection of giving
22 her a disciplinary action in March of 2004?

23 A. Yes. I was mistaken. I thought I was doing
0187

1 this one before I left.

2 Q. Was there another one when you left or that
3 was the one, you were just confused about the
4 time?

5 A. I believe there must -- I think there was
6 another one that I was working on but not -- I
7 know I was doing three. I had given two the
8 week before, and I was working on another one,
9 which I believe -- recall being on Ann Baxter
10 but not for certain.

11 Q. Was that based on something that occurred
12 while you were actually her supervisor?

13 A. I'm sorry?

14 Q. Was that writeup that you gave her based --
15 MS. NELSON: And I'd appreciate -- just
16 let her look at it without pointing
17 to --

18 MR. JAFFREE: I was pointing to the date.

19 Q. Did that occur at a time frame -- the conduct
20 for which she was written up, did that occur
21 at a time frame where you were not her
22 supervisor?

23 A. Yes, I was not her supervisor.

0188

1 Q. And was that based on an audit report done by
2 either the City Finance Department or some
3 type of financial audit?

4 A. I believe so.

5 Q. And do you know that -- by the time the audit
6 was completed, at that time, you had come on
7 board and was her supervisor. And is that the
8 reason you were involved in the writeup or the
9 disciplinary action?

10 A. I had come on board what? I didn't
11 understand.

12 Q. You had joined the City -- by the time the
13 results of that investigation took place or
14 the audit had taken place, you then had become
15 Ms. Baxter's supervisor; is that correct?

16 A. No. This is dated February the 4th. I
17 started February the 16th.

18 Q. And I'm saying, by the time she was
19 disciplined, you were her supervisor at that
20 time; is that correct?

21 A. Yes. I was made to write her up by the judge,
22 even though I wasn't there when it happened.

23 Q. But you were her supervisor at the time she

0189

1 was written up; is that correct?

2 A. Yes.

3 Q. And you say it in a tone as if you did not
4 agree with the disciplinary action?

5 MR. JAFFREE: Well, excuse me. That's
6 your characterization. She just said
7 she wasn't her supervisor. So I
8 object to the form of the question
9 about her tone.

10 MS. NELSON: You can object to the form.
11 Okay. Thank you.

12 MR. JAFFREE: I mean, the question is just
13 not correct. You can't just interpret
14 her tone and then --

15 MS. NELSON: I can interpret the tone all
16 I want to.

17 MR. JAFFREE: -- say that she disagrees
18 with something because of her tone.

19 Q. Well, I detect you disagree with it,
20 Ms. Martin. Do I detect correctly?

21 A. That I disagree with what?

22 Q. This disciplinary action to Ann Baxter.

23 A. What I most disagreed with was having to do it
0190

1 when I wasn't there when it happened. It
2 should have been the current supervisor at the
3 time that -- when it happened.

4 Q. And who was that?

5 A. Judge Gordon.

6 Q. Sorry?

7 A. Judge Gordon.

8 Q. And did Judge Gordon also sign off on this
9 disciplinary action?

10 A. Yes.

11 Q. So again, you felt like it was not appropriate
12 to discipline someone based on conduct that
13 maybe -- that had occurred prior to your
14 getting there, so to speak; is that correct?

15 A. For something that I was not involved in, yes.

16 Q. And what --

17 A. For which I could only read what had happened.

18 Q. So you don't know really what occurred and
19 what Valerie Harris, the internal analyst, was
20 reviewing; you don't have personal knowledge
21 of what had occurred that led to this?

22 A. I didn't have personal knowledge. All I had
23 was the judge gave me the documents to review,
0191

1 and I was told, I would have to prepare the
2 disciplinary action.

3 Q. Okay. Now --

4 MR. JAFFREE: Hold on a second.

5 Q. As court administrator, was one of your duties
6 to complete performance evaluations on
7 employees you supervised?

8 A. Yes, it was.

9 Q. Do you know -- as I understand at the City,
10 everybody gets evaluated, roughly, around
11 their job anniversary date?

12 A. Unless you're probationary.

13 Q. Unless your probationary?

14 A. Yes.

15 Q. It wasn't like December 20th everybody got
16 evaluated?

17 A. No.

18 Q. It rotated?

19 A. Right.

20 Q. So do you know approximately how many
21 employees you've completed employee
22 evaluations on when you were court
23 administrator? How many -- you supervised

0192

1 magistrates and --

2 A. Clerks.

3 Q. Clerks. Do you know approximately how -- I
4 may have asked this before. I'm sorry if I
5 have. About how many magistrates were there
6 at the time when you were there?

7 A. When I was hired, there was eight. Come -- on
8 March 1st, we had an additional one, Tonya.
9 There was two clerk typists when I started,
10 and there were two temporaries when I began.
11 We eventually lost the use of the
12 temporaries.

13 Q. So we are talking about seven magistrates
14 and --

15 A. Eight magistrates.

16 Q. Eight magistrates.

17 Of those, do you know how many you
18 actually completed a performance evaluation on
19 while you were court administrator?

20 A. I remember three. Not positive. More -- I
21 believe there was three.

22 Q. Do you know who -- what three people that
23 would be?

0193

1 A. I believe one was Mary Beth Brackin. One was
2 Lavera McClain. Not sure about the other
3 one. For some reason, I'm thinking Mary
4 Turner or Sarah Fowler, one of them maybe.
5 Not positive. I do think there was a third
6 one, though. Could have been a fourth one. I
7 just don't remember.

8 Q. Okay. Do you know how you rated Mary Beth
9 Brackin on her performance evaluation?

10 A. Yeah.

11 Q. Did she receive satisfactory or --

12 A. I believe so.

13 Q. And what about Lavera McClain?

14 A. The original evaluation was unsatisfactory.

15 Q. And do you know when you filled that out on
16 Lavera, that evaluation? I'm sorry. Do you
17 know when you filled out the performance

18 evaluation on Lavera McClain?

19 MR. JAFFREE: Which one are you talking
20 about, the original one or the
21 subsequent one?

22 MS. NELSON: The original one.

23 A. Well, first, let me say --

0194

1 Q. Well, I'll just ask you to answer my
2 question.

3 A. I'm going to answer.

4 MR. JAFFREE: I think she was trying to
5 answer.

6 Q. I'm asking when did you fill --

7 A. In April.

8 Q. In April?

9 A. I believe so.

10 Q. Okay. April 2004?

11 A. Right.

12 Q. And, at that time, you had been there two
13 months?

14 A. Yes.

15 Q. And I think you testified earlier that Lavera
16 had been out on sick leave for about six to
17 eight weeks?

18 A. That was --

19 Q. In April?

20 A. -- end of April. She had her surgery on the
21 27th or 28th of April, dealing with that.

22 Q. So you were new to the job, learning the job,
23 and you had a chance to evaluate her less than

0195

1 two months, and you gave her an unsatisfactory
2 evaluation?

3 A. Right.

4 Q. And can you tell me why you did that?

5 A. Because she wasn't performing satisfactorily.

6 And, actually, first, I told judge that I
7 didn't feel I should be evaluating her because

8 I had not been there the full year that she
9 was being evaluated for. The judge insisted

10 that I do the evaluation, and I told her that

11 I would evaluate Lavera on my experience and
12 observation of her work. And that's what I
13 did.

14 Q. Okay. And then once you filled that out, who
15 did you give that to? Did you give that to

16 the judge or --

17 A. Yes. I took it to the judge because she has
18 to sign it.

19 Q. And did you -- do you remember what areas you
20 found her to be unsatisfactory in?

21 A. Number of errors, quality of work, how she
22 dealt with, I believe, the public. She was
23 kind of short, at times rude.

0196

1 Q. Tell me the times you've seen her interact
2 with the public?

3 A. I can't give you specifics. She interacted
4 with the public when she was in the fines
5 room, in court, at the front window, as a
6 backup working the front window, doing
7 warrants at the warrant window.

8 Q. Had you ever seen any other magistrate be
9 short or rude to anyone --

10 A. We're not talking -- we're talking about
11 Lavera's evaluation.

12 Q. That's right.

13 A. That doesn't include -- I wasn't --

14 Q. Ma'am, I'm asking you the questions. I'm not
15 asking you to sit here and argue with me. I'm
16 asking you --

17 A. I'm not arguing with you. I'm just saying
18 that -- we're talking. You asked me about
19 Lavera's evaluation.

20 Q. That's right. And I'm now asking you the
21 question, have you seen any other magistrate
22 be short or rude with the public?

23 A. Maybe short. Lavera herself admitted to me

0197

1 that she had a tendency to be short at times.

2 Q. So are you referring --

3 A. And she has a gruff voice.

4 Q. Are you retracting the rude or just saying --

5 A. No. She didn't admit rude. I said rude.

6 Q. Who else have you seen be short with the
7 public?

8 A. On a really busy day, I've seen Ann Baxter be
9 a little short working the front window.

10 Q. How about Mary Beth Brackin?

11 A. Yes, I've seen her on a busy day be short.
12 It's not uncommon sometimes, depending on the
13 circumstances.

14 Q. Did you give her an unsatisfactory?

15 A. I don't know. If I had been provided the
16 documents, I could read it and tell you.

17 Q. I'm just asking what you remember.

18 A. I don't remember. I don't have it in front of
19 me.

20 Q. What other areas do you contend that Lavera
21 McClain was unsatisfactory in?

22 A. In handling the bondsmen and bondsmen
23 processes.

0198

1 Q. What had she done to be unsatisfactory in
2 handling bondsmen?

3 A. She was rude. I had a complaint filed against
4 her by Rickey Stokes, in writing. Actually
5 was sent to me, the judge, I believe Jerry
6 Corbin, that she would not assist him with a
7 defendant that was going -- would have been
8 wrongly arrested had he not have gone to Mary
9 Beth when Lavera wouldn't assist him --
10 refused to assist him and Mary Beth
11 straightened the matter out.

12 Q. Assist him in what?

13 A. Assist him in getting the documents corrected
14 or the right person. The guy had -- two
15 people had the same name except for the middle
16 name was different and their birth dates were
17 wrong. And Lavera had issued a warrant
18 against the wrong person. And she refused to
19 assist Rickey Stokes in figuring it out,
20 getting it right, getting the right person
21 arrested, and the other dropped against the
22 one that she had wrongly issued a warrant
23 against. She refused to, so he called Mary

0199

1 Beth and asked her to look up the paperwork.

2 Q. Did you witness all of this?

3 A. Did I witness all of it?

4 Q. Yes.

5 A. No. I had the complaint from him in writing.

6 Q. You didn't witness any of it, did you?

7 A. No.

8 Q. Can you think of any other areas that you
9 found her to be unsatisfactory?

10 A. Without looking at the document, I can't
11 recall word for word.

12 Q. When you presented this evaluation to Judge
13 Gordon, what occurred? Did she agree with
14 it? Did she sign off on it?

15 MR. JAFFREE: Are we talking about the
16 first or second evaluation?

17 MS. NELSON: The first one. We haven't
18 gotten to a second evaluation.

19 MR. JAFFREE: I just want to be clear.

20 MS. NELSON: So I'd ask --

21 A. When I gave it to her, to the best of my
22 recollection, it was -- I gave it to her, and
23 I told her that I knew we would need to

0200

1 discuss it because there were some low marks
2 on it. We -- to the best of my recollection,
3 we didn't discuss it at that time in depth. I
4 just told her that I was sure she would want
5 to discuss it with me after she had a chance
6 to review it.

7 Q. And then did she discuss it with you?

8 A. After she discussed it with two or three other
9 people, yes.

10 Q. And when she discussed it with you, what was
11 said?

12 Let me ask you this: Did she come to you
13 and ask if you could talk about it? Tell
14 me what -- I mean, what happened, what she
15 said, where you were, who was present?

16 A. It was just me and her in her office as I
17 recall it.

18 Q. Okay.

19 A. And she wanted to know why I had rated her the
20 way I did. And I tried to explain again that
21 I was rating her just on the time that I had
22 been there, what I had seen, and had dealings
23 with her, and reminded her that I didn't want

0201

1 to do the evaluation to begin with because I
2 hadn't been there the whole year.

3 And she said, well -- she told me Lavera
4 had never gotten a bad evaluation, and she
5 asked me if I had reviewed the previous couple
6 of years.

7 And I told her that I had and they
8 appeared to be almost carbon copies of each
9 other; same comments almost, same markings and

10 everything.

11 But that wasn't -- I didn't observe the
12 behavior or the work product during that time,
13 but I did review them because she had asked me
14 to.

15 She said that she had talked to some other
16 people, and they had recommended that she ask
17 me to reconsider what I had put on the
18 evaluation.

19 Q. Did she tell you who she had talked to?

20 A. Not at that time.

21 Q. And when she asked you to reconsider, what did
22 you say?

23 A. I told her that for days I had agonized over

0202

1 doing that evaluation. I had put an awful lot
2 of time in it, was not -- I don't -- I didn't
3 like to do evaluations on people that were
4 low, unsatisfactory, but that's how I saw the
5 work that she was doing. And I had to rate
6 her the way I saw it.

7 And she again kept, well, just take it
8 home overnight and just review it again and,
9 you know, see if there isn't some area that
10 you could reconsider and -- and all, just take
11 it home with you.

12 And then she said, this is not a threat,
13 but I'm reminding you that you are still on
14 probation.

15 Q. And was anybody present when she allegedly
16 made that comment?

17 A. I told you before that it was just she and I.

18 MR. JAFFREE: Well, it's not an allegation
19 on her part; it's a fact on her part.

20 Q. Okay. So did you take it home?

21 A. Yes, I did.

22 Q. Did she ever tell you who she had talked to?

23 A. At a later date.

0203

1 Q. When you took it home, did you -- strike that.

2 Did you ever reconsider the evaluation?

3 A. I did.

4 Q. Did the judge ever tell you the implications
5 it could have on Lavera?

6 A. She did during that conversation that we had
7 when she asked me to take it home and

8 reconsider. I was not aware of that when I
9 did the evaluation. I did not know that it
10 was time for a raise for Lavera until she said
11 that. That didn't have anything to do
12 with -- it was not a consideration when I did
13 her evaluation because I didn't know about it.

14 I took it home and agonized some more over
15 it. But because my job had been threatened
16 and I needed to work, I changed enough to make
17 it a satisfactory evaluation because I felt
18 forced to, to keep my job.

19 Q. You testified you didn't know that it was time
20 for a raise for Lavera. What do you think the
21 purpose of an evaluation is if a raise or
22 something --

23 A. You don't always get a raise with an
0204

1 evaluation.

2 Q. You're a brand-new supervisor --

3 MR. JAFFREE: Are you arguing with the
4 witness again?

5 MS. NELSON: I'm not arguing with the
6 witness.

7 MR. JAFFREE: She said she didn't know.

8 MS. NELSON: And I'm asking her.

9 Q. You were a brand-new supervisor and you didn't
10 even take the time to learn enough about an
11 evaluation that could have a tremendous impact
12 on somebody's job and affect their pay?

13 A. That doesn't change how they're performing.

14 Q. Would it --

15 MR. JAFFREE: Well, maybe in some circles
16 it does.

17 Q. Would it have affected your decision if you
18 had known the pay implications?

19 A. No. Because my evaluation was based on her
20 performance.

21 Q. That you'd observed for --

22 A. And I didn't see --

23 Q. -- a few weeks or months?

0205

1 A. That was not my fault. I was made to do the
2 evaluation.

3 Q. When did you learn who the other people that
4 had been involved in the decision to ask you
5 to reconsider this evaluation?

6 A. The names were --

7 Q. I said when did you learn?

8 A. Oh. Around July the 19th when I called a
9 meeting or asked Kai if she and I and the
10 judge could meet because there was so many
11 problems going on.

12 MR. JAFFREE: Can we take a break?

13 MS. NELSON: Yeah, we can.

14 (Brief recess)

15 (Defendants' Exhibit 16 was marked
16 for identification.)

17 Q. Let me show you Defendants' Exhibit 16 and ask
18 you if that's a copy of Ms. Lavera McClain's
19 2004 evaluation that we've been discussing.

20 MR. JAFFREE: This is not the first one.

21 MS. NELSON: Just let her answer.

22 A. No. It's not the first one.

23 MR. JAFFREE: Excuse me. You're

0206

1 saying, that we've been discussing.

2 We've been discussing the first one.

3 Now, this is the first one.

4 MS. NELSON: You don't know what it is.

5 You haven't seen it. Let her say what
6 it is.

7 MR. JAFFREE: Well, you said, there's been
8 two evaluations. I'm trying to --

9 MS. NELSON: No. We've talked about the
10 first one. Just let me ask her
11 questions, Mr. Jaffree.

12 Q. Tell me what that is?

13 A. Well, it --

14 Q. Is it the first and the second one?

15 A. Yes, it is.

16 Q. Okay. Thank you.

17 A. Yes, it is.

18 Q. It is.

19 A. Is that what you asked me?

20 Q. Just trying to ask you to help me identify.
21 You filled it out; is that correct?

22 A. Right.

23 MR. JAFFREE: First and the second.

0207

1 A. The first and the second time.

2 Q. That is the first and the second?

3 A. Right. Right. It is the first and the

4 second.

5 Q. Thank you.

6 So apparently, there are some blocks on
7 there that look like they've been scratched
8 out and an X mark put in another place?

9 A. Right.

10 Q. So basically, when you did -- you testified
11 that you reconsidered and changed some marks.
12 You did it on the first one you filled
13 out -- when I say -- you took the evaluation,
14 and took that same evaluation, marked through
15 it on some places and made a new mark or new X
16 or something. Is that correct?

17 I'm not trying to put words in your
18 mouth. You used the same form, so to speak,
19 or --

20 A. I didn't --

21 Q. When you revised it?

22 A. Something you said about reconsidered. I was
23 made to change it on threat of losing my job.

0208

1 MR. JAFFREE: I never got this document.

2 Q. And that's your perception of what had
3 occurred.

4 Could the judge just have not have
5 overridden your recommendation and changed it
6 herself?

7 A. I don't know. If she could have, looks like
8 she would have instead of threatening me.

9 Q. Can you tell from looking at Defendants'
10 Exhibit Number 16 which areas you changed?

11 A. I changed Task 2.

12 Q. And what is Task 2?

13 A. Occasionally does -- well, my comments are --
14 I don't have the -- there's a separate sheet
15 that actually has the -- what I was --

16 Q. Is that what you gave me earlier?

17 A. -- the rating. It's another sheet that goes
18 to this I think.

19 Q. Would this be the rating guide that you gave
20 me in Defendants' Exhibit 2?

21 A. It's that -- it's actually another sheet.
22 Like this part right here (indicating),
23 section two, this gives what you're actually

0209

1 rating. But on the first part, I seem to

2 recall there was another sheet that you went
3 by because where it just said Task 1 at the
4 comments? But let me see that.

5 Q. I'm showing you what you gave to me,
6 Defendants' Exhibit 2.

7 A. Yes, this could be it, there's ten tasks. So
8 you --

9 Q. I'm just trying to understand what you
10 changed.

11 A. Okay. I changed Task 2 from a one to a two
12 rating, from unsatisfactory to satisfactory.

13 Q. And Task 2 deals with?

14 A. "Issuing warrants of arrest or summons by
15 determining probable cause, sets appropriate
16 bond amounts on warrants, and process the
17 warrant or summons to the computer and forward
18 to the police department for execution or
19 service."

20 Q. What else did you change?

21 A. In Section 2, I changed number four, Safety
22 Conscientiousness from non-applicable to a
23 two, to a three. I changed --

0210

1 Q. You felt like she was not safety
2 conscientious?

3 A. Actually, that's something that's not ever
4 rated for some reason, so I had put
5 non-applicable. And then changed it to a two
6 to add points as I was requested and then
7 changed it to a three to add enough points to
8 get her to the satisfactory level.

9 Q. That was the safety issue?

10 A. Yes.

11 Q. Anything else you changed?

12 A. I changed number five, Quantity of Work, from
13 an unsatisfactory one to a satisfactory two.
14 And it -- I think just from looking at this
15 copy -- I can't tell for sure but I -- but it
16 is evident that I changed those.

17 Q. All right. Then did you ever discuss this
18 Defendants' 16 with Lavera McClain?

19 A. I was told by Personnel to discuss it with her
20 after she returned and after they sent it back
21 to me.

22 Q. When did she return -- return from leave?

23 A. Yes.

0211

1 Q. Do you know when she returned?

2 A. Maybe end of May, first of June.

3 Q. Did you tell her any of the conversations
4 between you and Judge Gordon?

5 A. The conversation between us? No. What
6 I -- no, I didn't tell her the whole
7 conversation, no.

8 Q. What did you tell her?

9 A. I told her that that was not the original
10 evaluation that I had done on her, that the
11 judge had requested that I change the original
12 evaluation. And I told her that it was
13 against what I believed in doing, and that I
14 wouldn't do it again. And we went over the
15 whole evaluation.

16 Q. Did she ask you questions or disagree with the
17 evaluation?

18 A. Oh, yes. Yes, she did. She said that she'd
19 always received high evaluations, and I told
20 her that I had, in fact, reviewed a couple.
21 And they seemed to be almost carbon copies of
22 each other and that I was rating -- had rated
23 her on what I had observed.

0212

1 Q. Did she comment that she had been on a leave a
2 good portion of that time?

3 A. Good portion of what time?

4 Q. That you had supervised her.

5 A. The period for which I was evaluating her --

6 MR. JAFFREE: Well, wait a minute. Let me
7 -- let me object --

8 A. -- was not during that period.

9 MR. JAFFREE: -- because you keep -- I'm
10 sorry. I'm going to object. They
11 keep distorting the Record, but she
12 came back on July. And the period
13 that she was evaluated was on April
14 the 28th. And so the six weeks was
15 sort of more after than before. And
16 you keep indicating that --

17 MS. NELSON: I object to your testimony.

18 You don't know when she came back.

19 MR. JAFFREE: Well, I know when she signed
20 this.

21 MS. NELSON: Well, that's not when she

22 came back. I mean, you don't know
23 that's when she came back.

0213

1 A. No. She signed that when Personnel sent it
2 over to me to review with her.

3 Q. My question is, did Lavera McClain express any
4 concern to you that your evaluation of her was
5 based on a very limited time frame in which
6 you had personally worked with her or observed
7 her work?

8 A. I don't recall those comments because that
9 leave time was not included in this particular
10 evaluation time.

11 Q. Did you get involved in approving her leave of
12 absence? I'm talking about Lavera McClain.

13 A. I'm not sure.

14 Q. Did you ever take a leave of absence or time
15 off from work?

16 A. Yes, I did. It wasn't a leave of absence.

17 Q. Did you take time off from work?

18 A. Yes.

19 Q. And do you know how much time you took off?

20 A. Not specifically, no. Not in total number,
21 no.

22 Q. Do you know if you ever took time off that you
23 had not worked there long enough to earn?

0214

1 A. The only time off I could take was with
2 judge's approval. And she approved it, I took
3 it.

4 Q. And she approved your time off, didn't she?

5 A. Yes, she did.

6 Q. Back to this desk and furniture for your
7 office, did you pick that out?

8 A. Yes, I did.

9 Q. And did you make certain requests to have that
10 approved to furnish your office?

11 A. I'm sorry?

12 Q. That's a bad question. Strike that. Did you
13 select your furniture and furnishings for your
14 office and then request to have it approved?

15 A. I still don't understand your question.

16 Q. Did you just go out and go shopping for
17 furniture one day and tell the judge, this is
18 what you wanted to buy?

19 A. No. The judge insisted that I have new

20 furniture, even though I told her that the
21 furniture that was in there was perfectly
22 fine.

23 Q. But then you went out on your own and --

0215

1 A. No, I did not. Michelle Sellers got a book
2 from Houston -- Hudson Supply Company where
3 they had -- where they usually ordered
4 furniture from. She gave the book to me and
5 she said look through this and see if there's
6 any furniture that you like in there.

7 Q. And did you pick some out?

8 A. Yes, I did. And she ordered it.

9 Q. Okay. Did you have a budget?

10 A. Nobody gave me a budget. They told me what I
11 wanted. They also -- Judge told me that if I
12 wanted wall hangings, whatnots, that they
13 would reimburse me for that. She gave me no
14 amount.

15 Q. And did you go shopping for accessories, I'll
16 call them?

17 A. Yes, I did.

18 Q. And do know how much money you spent on
19 furnishing your office?

20 A. No, I don't.

21 Q. Michelle Sellers, did she ever sit in on any
22 of your job interviews when you were first
23 interviewing for your job as court

0216

1 administrator?

2 A. She -- I don't recall whether she was or not.

3 Q. She could have?

4 A. Possible.

5 Q. Okay. What about Kevan Kelly; do you remember
6 him sitting in?

7 A. No, I don't.

8 Q. Do you know Kevan Kelly?

9 A. Yes, I do.

10 Q. And what's your relationship with Kevan Kelly?

11 A. Just met him when I started working in court.

12 Q. And he's the city attorney; is that correct?

13 A. Yes.

14 Q. Do you know if Kevan Kelly has made any
15 complaints about you?

16 A. Can't imagine that he did. We talked all the
17 time, every time I was over at the court. He

18 never mentioned to me he had a complaint. I
19 was never provided a complaint.

20 Q. You mentioned earlier, as you said, you were a
21 probationary employee for the first 12 months
22 of your employment, though I realize you
23 didn't work the full 12 months. But you were

0217

1 a probationary employee during the time you
2 worked --

3 A. Right.

4 Q. -- for the City; is that correct?

5 A. That's correct.

6 (Defendants' Exhibit 17 was marked
7 for identification.)

8 Q. And I'm going to show you what's Defendants'
9 Exhibit Number 17. And did Judge Gordon
10 evaluate your performance while you were there
11 the first three months?

12 A. Yes, she did.

13 Q. And I'm going to show what I've marked as
14 Defendants' Exhibit 17. Is that the
15 evaluation you received?

16 (Brief pause)

17 Q. Do you recognize that?

18 A. Let me finish reading it, please.

19 Q. Okay.

20 (Brief pause)

21 A. Yes.

22 Q. And I'm sorry. You signed -- did Judge Gordon
23 review that with you?

0218

1 A. Yes, she did.

2 Q. And you signed it on April 24 -- excuse me --
3 April 21st, 2004?

4 A. Yes.

5 Q. Now, going back to something earlier you
6 testified to, you said you did not know the
7 individuals that Judge Gordon had discussed
8 Ms. McClain's evaluation with until you and
9 the judge and Kai Davis met. Was that your
10 testimony?

11 A. Yes.

12 Q. And when did that occur?

13 A. I think July the 19th, 2004.

14 Q. And how is it that you remember that date so
15 specifically; is that one of the dates on your

16 calendar or --

17 A. Not sure. Because I had such a hard time
18 getting that meeting.

19 Q. Hard time doing what now?

20 A. Getting the meeting.

21 Q. Getting the meeting?

22 A. Yes.

23 Q. Okay. And what do you mean by having a "hard
0219

1 time" getting the meeting set up?

2 A. Well, I had tried to contact Kai Davis in
3 personnel to talk to her about I thought that
4 because of all the problems that were going on
5 that I was going to see if she would meet with
6 the judge and I to see if we could work some
7 of them out.

8 Q. Let me stop you right there. Tell me, what
9 problems were going on?

10 A. Well, things went downhill with me and the
11 judge after I did the unsatisfactory
12 evaluation with Lavera. Things were never the
13 same after that.

14 Q. Again, I just -- the date -- just so we can
15 clarify the time frame we're talking about.
16 The date that the evaluation on Lavera was
17 first done by you was when?

18 A. About a week or two I believe after mine was
19 done.

20 Q. It was in April I believe you testified
21 earlier, April of 2004?

22 A. Yes, I believe so.

23 Q. Okay. You testified there were -- what
0220

1 problems were going on?

2 A. Well, there were numerous errors being
3 committed still by Eunice and Lavera, that
4 every time I would try to talk to the judge
5 about them, bring them to her attention, she
6 say -- she'd say, everybody makes mistakes.
7 And I told her that I understood that
8 everybody made mistakes, but there were
9 numerous, numerous mistakes being made, and
10 that at some point, these should start slowing
11 down, that the other magistrates were not
12 making all -- near as many mistakes.

13 And I had tried to talk to the judge about

14 this. She just always made excuses. Valerie
15 Harris, the city auditor, had called me and
16 said that she was so tired of the mistakes
17 that Lavera and Eunice were making, and that
18 she had approached the judge before I began
19 work -- I don't know a date -- and asked her
20 to terminate them because of all the
21 continuing errors. And she didn't get
22 anywhere with the judge; Judge wouldn't hear
23 it. And Valerie Harris asked me to approach

0221

1 the judge and ask her to terminate them. And
2 I just told Valerie that I didn't think it
3 would do any good for me to approach the
4 judge.

5 Q. Was anybody present when you had this
6 conversation?

7 A. It was a phone conversation.

8 Q. Okay.

9 A. With Valerie Harris.

10 Q. Had the judge talked to you about your
11 performance and some of your deficiencies?

12 A. As -- when?

13 Q. Before this meeting with Kai Davis?

14 A. No. We never had a counseling session other
15 -- and the only directive --

16 Q. Did she ever call you in her office and talk
17 to you about your job?

18 A. No. If I was over in court, we talked about
19 specific things. I had a lot of questions for
20 her about cases, but she never called me to
21 her office for a counseling session.

22 Q. Did she ever talk to you about your
23 interaction with Ashton Ott?

0222

1 A. She took up for Ashton when I -- I actually
2 called the judge after Ashton and I -- after
3 Ashton hung the phone up on me rudely. And I
4 called the judge all upset because that had
5 happened and pretty much told the judge what
6 I'd said to her and thought the judge would
7 maybe mend things or whatever, you know, see
8 it from my side. But she just said that that
9 situation never happened in court anyway.

10 Q. Did the judge ever talk to you about any
11 complaints from the Bar of other lawyers?

12 A. No, she did not.

13 Q. Did she ever talk to you about your not
14 allowing attorneys to file motions in the
15 magistrates' office?

16 A. No, she did not.

17 Q. Did she ever talk to you about an issue where
18 a man had to drive all the way from Michigan?

19 A. No, she did not.

20 Q. Do you know what I'm talking about?

21 A. You're reading from a document that I had
22 never seen and never knew anything about.

23 Q. I'm talking about, do you recall a

0223

1 defendant --

2 A. No, I don't. I said, no, I didn't.

3 Q. No. You're saying --

4 MR. JAFFREE: Let her finish the question.

5 Q. Do you recall any incident about a defendant
6 having to drive from Michigan to Dothan,
7 regarding a case that he did not need to make
8 the trip for?

9 A. No, I do not.

10 Q. Did she ever talk to you about your lack of
11 knowledge of procedures in the magistrates'
12 office?

13 A. No, she did not.

14 Q. She didn't talk to you about your lack of
15 judgment or lack of supervisory skills?

16 A. No, she did not.

17 Q. Did she ever talk to you about the fact that
18 your evaluation of Lavera McClain was based on
19 information that you were getting from other
20 magistrates?

21 A. No, she did not.

22 Q. Was, in fact, some of the -- was the
23 evaluation you gave to Lavera McClain based on

0224

1 what Mary Brackin and Mary Turner had told you
2 about Lavera?

3 A. No, it was not. I've answered that question
4 before.

5 Q. Did you --

6 A. I based it on my observation.

7 Q. -- rely on Mary -- did you rely on Mary Beth
8 Brackin and Mary Turner to do your job?

9 A. I sure did not.

10 Q. Who did you rely on to do your job?

11 A. Me.

12 Q. And how did you know what to do?

13 A. I know how to be a supervisor, and that's what
14 I was hired to do. However, I was not allowed
15 to supervise all of them. I was never allowed
16 to supervise Lavera or Eunice because they
17 were untouchable. But I was highly encouraged
18 to discipline the white magistrates.

19 Q. Did you ever discipline the white magistrates
20 on your own?

21 A. I wrote a memo to Michelle Bryan when the
22 cases were found, but I did discuss it with
23 the judge first to see what she thought about

0225

1 it.

2 Q. Did you ever discipline Mary Beth Brackin,
3 other than for the incident that I asked you
4 about earlier regarding something that
5 occurred before you were here?

6 A. No.

7 Q. Did you ever --

8 MR. JAFFREE: Let me object. The question
9 suggests that there was a basis to
10 discipline her.

11 Q. Did you ever feel there was a basis to
12 discipline Mary Beth Brackin?

13 A. No, I didn't.

14 (Brief pause)

15 Q. Were you aware of any complaints filed against
16 Mary Beth Brackin?

17 A. Specific? Do you have a name?

18 Q. I'm asking you if you have a memory of any
19 complaints against her?

20 A. I'm not sure.

21 Q. Not sure?

22 A. I kind of remember -- I believe there was -- I
23 believe this was -- not sure if this was

0226

1 during -- I believe it was during my tenure
2 that a police officer was encouraged by
3 Michelle Sellers to fill out a complaint
4 against Mary Beth. The police officer told --
5 what Mary Beth told me was that the police
6 officer told her that he was encouraged to
7 complete it by Michelle Sellers.

8 Q. And why do you think Michelle Sellers would
9 encourage a police officer to do that?

10 A. Because she is on the same vendetta that the
11 judge was, to get rid of Mary Beth Brackin and
12 Mary Turner.

13 Q. And what basis -- and what facts do you have
14 to support that the judge was -- and Michelle
15 were on such a vendetta?

16 A. Well, from day one, interview one, I was told
17 about them. That was -- that was not true.
18 They -- I never saw physical harm at all, was
19 never afraid of them. They -- they're the
20 reason that I learned what I did as far as the
21 court system was concerned. And
22 one -- Michelle made comments more than once
23 that -- that they -- that if they did

0227

1 something else, that we could terminate them.

2 And the judge --

3 Q. She made this comment to you?

4 A. Yes. And the judge, in one of the interviews
5 or maybe subsequent meetings, said that she
6 should have already terminated Mary Beth and
7 Mary Turner and she was sure that they would
8 do something during my tenure so that I would
9 be able to terminate them.

10 Q. And who was present when she said this?

11 A. I'm not sure which meeting it was, so I
12 wouldn't know. Me and the judge, possibly
13 Michelle Sellers, or if it was during an
14 interview. I don't know which one.

15 Q. Michelle Sellers is white; is that correct?

16 A. Yes, it is.

17 Q. Do you have any reason to think that Michelle
18 Sellers would have any racial animus toward
19 Mary Turner or Mary Beth Brackin --

20 A. I know she --

21 Q. -- or yourself?

22 A. Or me?

23 Q. Yes.

0228

1 A. Just that she goes along with the judge with
2 everything.

3 (Defendants' Exhibit 18 was marked
4 for identification.)

5 Q. I'm going to show you what I've marked as

6 Defendants' Exhibit 18. Is that the memo you
7 wrote to Mary Beth Brackin about the officer's
8 complaint about her?

9 (Brief pause)

10 A. I believe, number one, this complaint was done
11 before I began work.

12 Q. I'm asking, is that the memo that you wrote to
13 Mary Beth Brackin?

14 A. At the instruction of the judge. And I
15 believe that was the same complaint that
16 Michelle Sellers encouraged the police officer
17 to complete.

18 Q. Isn't it true that when Mary Beth or Mary
19 Turner did something, you're the one that
20 didn't want to write them up; isn't that
21 correct?

22 A. No, it is not.

23 Q. So you do agree, they should have been written

0229

1 up for that?

2 A. No, I didn't say that. I wasn't there when it
3 happened. I shouldn't have had anything to do
4 with the writeup.

5 Q. Is it your testimony that Mary Beth Brackin
6 and Mary Turner, Sarah Fowler, Ann Baxter,
7 Valarie Savage never did anything that
8 warranted counseling or reprimand?

9 A. That's not my testimony.

10 Q. But the only time you would write them up is
11 only if the judge told you to write them up?

12 A. No, the judge didn't make me write up Michelle
13 Bryan. I conferred with her, but she did not
14 make me. I am in agreement that anytime I
15 tried to discipline Ms. McClain and Ms. Knight
16 that it was put a stop to by the judge.

17 Q. And when did you try to discipline them?

18 A. Well, Eunice was insubordinate to me a couple
19 of times. And I had actually written her up
20 for insubordination, took it over to the
21 judge. And the judge said, I'll sign it. And
22 I believe, in fact, she did sign it, however,
23 warned me that Eunice would probably see that

0230

1 as discriminatory treatment and would probably
2 file a claim of discrimination against me.

3 Q. When was she insubordinate to you?

4 A. She was insubordinate to me in court one day
5 when a defendant -- a person approached her
6 before court started and asked her to continue
7 a court date. And those things were only
8 supposed to be done on a court date after
9 George -- Judge convened court.

10 And I said something to her. And she
11 snapped back at me and said that I didn't have
12 the right to interfere, basically. That
13 wasn't her exact words. I don't remember her
14 exact records. And then when I did a memo to
15 her about many warrants that she had changed
16 the bond on without documentation and while
17 someone else was the magistrate on call for
18 which there was a policy for, she told me that
19 I didn't have the authority -- to my face she
20 told me that -- to say anything to her about
21 changing warrants. And then in a subsequent
22 staff meeting in front of the whole staff, she
23 told me I didn't have the authority.

0231

1 Q. The authority to do what?

2 A. To tell -- to tell her what to do with a bond.

3 Q. And who was present at that meeting?

4 A. The staff meeting?

5 Q. Yes.

6 A. I don't have a list but the majority of the
7 magistrates, clerks -- and clerks.

8 Q. Do you remember her writing you a memo about
9 that issue?

10 A. About that issue?

11 Q. Yes.

12 A. She may have. Not sure.

13 Q. Are you aware that Lavera and -- Lavera
14 McClain and Eunice Knight felt that you were
15 discriminating against them based on their
16 race?

17 A. Was I aware of it?

18 Q. Yes.

19 A. No.

20 (Defendants' Exhibit 19 was marked
21 for identification.)

22 Q. I'm going you show you what I've marked as
23 Defendants' Exhibit Number 19 and ask if you

0232

1 can recognize or identify that for me.

2 (Brief pause)

3 A. Yes.

4 Q. Is that memo about that particular testimony
5 you just gave me, or is this in relation to
6 anything else? Tell me what this memo is
7 about?

8 A. This memo is about Lavera not Eunice.

9 Q. Oh, I'm sorry. Okay. Do you know -- well,
10 tell me while I'm showing you that -- I
11 apologize. That is from Lavera?

12 A. Right.

13 Q. You're saying Eunice was the one you claim was
14 insubordinate.

15 A. Insubordinate.

16 So what was your question?

17 Q. My question is, tell me -- you've read this --
18 have you had a chance to read this memo from
19 Lavera?

20 A. Yes.

21 Q. And that's Defendants' Exhibit Number --

22 A. 19.

23 Q. -- 19?

0233

1 Can you tell me the circumstances
2 surrounding that memo?

3 A. Yes. Valarie Savage had provided me a
4 complaint in writing, and this is what Lavera
5 is responding to. Valarie Savage did a
6 complaint that Lavera had changed a bond while
7 Valarie was on call. Valarie was not at work
8 that day. However, she had advised me that
9 she was still -- would be -- was the
10 magistrate on call and would be handling her
11 own call. And Valarie complained about Lavera
12 changing this because there was a memo. There
13 was a policy that only the magistrate on call
14 could change a bond. And it -- if it was
15 changed by anyone, there had to be
16 documentation of the reason why.

17 Q. Are you aware of any white magistrates who
18 changed a bond when they were not on call?

19 A. I am aware of the one she lists here, Sarah
20 Fowler, that changed one. However, Sarah
21 Fowler had contacted Valarie Savage and asked
22 her could she change it, because I talked to
23 Sarah myself.

0234

- 1 Q. And if a magistrate is on call, they're not in
2 the office; is that correct?
- 3 A. They could be in the office. Most of the time
4 they are in the office except for on the
5 weekend.
- 6 Q. Do you know when this occurred, this
7 incident --
- 8 A. It was during the week. Valarie was off, but
9 had let me know that as stated on the
10 schedule, she was the -- she was still the
11 magistrate on call. That had not been
12 changed. There was no substitute.
- 13 Q. And based on that memo that Lavera wrote to
14 you, she felt like you were holding her to a
15 different standard.
- 16 A. I don't know what she felt.
- 17 Q. I guess the memo can speak for itself.
18 Did you --
- 19 A. I guess that -- you know, Valarie Savage filed
20 a complaint, but I don't see a copy of her
21 complaint here. I just see the one that
22 you're putting in from Lavera.
- 23 Q. Was any disciplinary action taken?

0235

- 1 A. Against who?
- 2 Q. Toward anybody regarding this incident in
3 Defendants' 19?
- 4 A. I did a -- I don't remember if I did a memo to
5 Lavera or just talked to her, reminding her of
6 the policy.
- 7 Q. Did you ever deny Eunice Knight the right to
8 be off when her daughter was sick?
- 9 A. She didn't tell me it was her daughter having
10 a biopsy. And, no, I did not deny her.
- 11 Q. Did you require her to provide different
12 documentation than you did other white
13 magistrates?
- 14 A. No. I originally said -- because she was so
15 rude and insubordinate to me when I was trying
16 to discuss this with her to figure out why she
17 couldn't come in after the doctor's
18 appointment and why she couldn't work the next
19 day, I try -- I first said, well, you'll need
20 to bring me a doctor's excuse, and then later
21 changed it, and put it on her leave form that

22 I changed it. I marked that out. Did not
23 require it.

0236

1 Q. Now, how was she rude and insubordinate to
2 you?

3 A. Because I was trying -- Eunice had been out a
4 lot on leave that I thought had been approved
5 previous to my coming there. She had told me
6 that she was going to be out several
7 afternoons, several whole days over a several
8 weeks' period because she refereed basketball
9 games for playoffs for high school. It was
10 already set up, so I assumed the judge had
11 approved it. However, at a subsequent time
12 talking to the judge, the judge told me she
13 knew nothing about it.

14 Anyway, so -- and I had three magistrates
15 that were going to be off that Thursday and
16 Friday already, vacation. And I told Eunice,
17 I said, this is a very bad time for you to be
18 off because of manning court on Thursday. And
19 I needed her there. And I asked her if she
20 could come in after the doctor's appointment.
21 And she said, no, that she might need to stay
22 with her daughter. And then I asked her could
23 she come in on Friday because of the shortage,

0237

1 and she said, no, I may have to keep the
2 children.

3 But she never, at that time, never told me
4 the extent, what the appointment was for. If
5 she had told me it was a biopsy, it was a
6 serious matter with her daughter, I would have
7 approved the request. And we would have made
8 do with the people we had.

9 Q. Have you allowed white employees to take off
10 without requiring a doctor's note?

11 A. Michelle Bryan had a niece that was in
12 Children's Hospital in Birmingham. She called
13 me from there and said that her niece was not
14 expected -- might not live, and she and the
15 family were up there. And, also, her
16 grandmother in another town, which she was
17 going at some point to be by, was on her death
18 bed, expecting her not to live either.

19 She did have, I believe, a little bit of

20 leave. And I told her to keep me updated.
21 Every day that she called, I went over or
22 called and told the judge and Michelle. I was
23 not aware -- had not memorized the operations

0238

1 manual that said that I did not have the
2 authority to authorize leave that they -- that
3 someone didn't have.

4 And the judge -- Judge never, during those
5 days that I was notifying her that Michelle
6 had called and the niece was still bad and the
7 grandmother was still in bad shape, never once
8 did the judge tell me I didn't have the
9 authority to keep letting her be off. Only
10 after the fact did she tell me.

11 Q. Go back to July 19th. You and the judge and
12 Kai Davis met; is that correct?

13 A. Right.

14 Q. Was anyone else present?

15 A. I don't recall anyone else being present.

16 Q. What occurred in that meeting?

17 A. Well, I had previously talked to Kai about all
18 the problems. And I just wanted her to kind
19 of be a mediator I guess. I wanted to
20 work -- I mean, I could still work with the
21 judge, but I needed her to give me what she
22 had promised me when I started. And that's
23 100 percent backing and let me supervise

0239

1 everyone in the office fairly.

2 So we got together. The judge had been
3 over at Kai's office before they let me know
4 that she -- to come over. And so Kai said
5 that she knew there was -- we'd both said
6 there were problems. So she asked me to
7 start. And I just did a laundry list of the
8 issues that I had and asked the judge to give
9 me her cooperation.

10 Before I could get through my part, the
11 judge interrupted and started going on about
12 her side of things and just eventually threw
13 up her hands and said, I'm just tired of all
14 this, and walked out.

15 Q. When she interrupted and gave her side, did
16 she let you know that she was having some
17 issues with you and your performance?

18 A. She was answering what I was saying. It was
19 not a counseling session.

20 Q. And that was also letting you know that she
21 had some issues with your performance; isn't
22 that true?

23 A. I don't know --

0240

1 Q. I don't care --

2 A. -- about issues with performance.

3 Q. -- what you call it.

4 A. Well, I care what you call it because I never
5 had a counseling session. This was a talking
6 session that I requested, not the judge. And
7 we were just supposed to be talking things out
8 and come to some solution.

9 The judge said she didn't know if she
10 could go forward from that point. And I told
11 her that I could, that I could put the
12 differences behind us and work with her. But
13 I needed to be allowed to supervise, and I was
14 not being allowed to do so.

15 Q. Again, the judge expressed that she had some
16 concern with your ability to run and manage
17 the office; is that true?

18 A. No, that's not true. No.

19 Q. The judge was completely pleased with
20 everything you were doing; is that true?

21 A. We didn't talk about pleased or not pleased.

22 MR. JAFFREE: What answer are you trying
23 to solicit from this witness?

0241

1 MS. NELSON: I'm trying to get her to tell
2 me what occurred in the meeting.

3 A. That's what I've done.

4 Q. Well, you told me your side. I'm just trying
5 to get your understanding of what the judge
6 expressed to you or what Kai expressed to you.

7 Surely if the judge said she didn't know
8 if she could continue or interrupted and gave
9 her side, you had different sides to the
10 story, didn't you?

11 A. That's always more than one side. Kai
12 interjected at times, too.

13 Q. If Kai Davis is a witness in this case, do you
14 have any reason to think that she would
15 anything but truthful?

16 A. Say that again.

17 Q. Do you have any reason to believe that Kai
18 Davis would not tell the truth as to what
19 occurred at that meeting?

20 A. I --

21 MR. JAFFREE: Well, I mean, that's a --

22 MS. NELSON: She can answer that.

23 MR. JAFFREE: I guess it depends on what

0242

1 Kai says.

2 MS. NELSON: Make your objection.

3 Q. I'm asking, do you have any reason to believe
4 that Kai would not be truthful?

5 A. I believe Kai would not be truthful.

6 Q. And what do you base that on?

7 A. I don't have facts. I have feelings.

8 Q. Because you know she's going to testify
9 opposite from what you're saying; isn't that
10 true?

11 MR. JAFFREE: How would she know that?

12 A. How would I know that?

13 Q. Well, if you think she's going to say exactly
14 what you're saying, why would you question her
15 veracity?

16 A. You're trying to confuse me. I've answered
17 your question.

18 Q. You think Michelle Sellers would not be
19 truthful?

20 A. Absolutely would not be truthful.

21 Q. You think Judge Gordon would not be truthful?

22 A. Absolutely would not be truthful.

23 Q. You think Ashton Ott would not be truthful?

0243

1 A. Absolutely not.

2 MR. JAFFREE: There's some people having
3 adjustment on both sides.

4 Q. Ashton no longer works for the City, does she?

5 A. I don't know. Yeah -- no, she doesn't.

6 Q. You don't know?

7 A. She doesn't. She works at --

8 Q. Didn't you work with her at Movie Gallery?

9 A. That's what I just said. Yes, she doesn't.

10 Q. Well, after I questioned you about it.

11 A. I forgot.

12 MR. JAFFREE: She corrected herself before
13 you questioned her about it.

14 A. I don't keep up with people like that.

15 Q. Did you have any part in Fran Bailey leaving
16 the employment of the City of Dothan?

17 A. No, I did not.

18 Q. Do you know why she left?

19 A. Yes, I do.

20 Q. And how do you know?

21 A. She submitted her resignation in writing and
22 stated why.

23 Q. And what did it say?

0244

1 A. I don't know it word for word. I do know --

2 Q. Just tell me your understanding of why Fran
3 Bailey left.

4 A. My understanding of it is because she was
5 tired of the favoritism shown to certain
6 magistrates, and she was tired of dealing with
7 the same defendants over and over again.

8 Q. The same criminal defendants?

9 A. Yes.

10 Q. Did you ever hear her make the statement that
11 she felt like she didn't have to be courteous
12 to a criminal defendant?

13 A. No, I did not. Can't imagine Fran saying
14 that.

15 Q. What defendants did she feel like she had to
16 deal with over and over again?

17 A. The ones that were continually -- she told me
18 that were let go by the judge and continually
19 repeated the same charges or cases were reset
20 and reset or pay-bys were extended and
21 extended.

22 Q. And who are you talking about?

23 A. She did not give me names. You would have to

0245

1 ask her.

2 Q. And she's a clerk; is that correct?

3 A. She was a clerk typist.

4 Q. And what was her interaction with the criminal
5 defendants?

6 A. Mostly by phone.

7 Q. Had she been reprimanded or counseled in any
8 way?

9 A. Not that I can recall.

10 Q. Do you know who took her place?

11 A. Actually, Melissa Woods took her place, and

12 then a new clerk typist was hired, Melanie
13 Walsh.

14 Q. Did you hire Melanie?

15 A. I recommended that she be hired.

16 Q. And you can only make recommendations as to
17 hiring and firing?

18 A. Yes.

19 Q. Was she white or black?

20 A. She was white.

21 Q. And was she -- had she worked for the City or
22 did she apply from the outside?

23 A. She was a city employee at the time. She was
0246

1 a city dispatcher.

2 Q. Did you sit in on the interview?

3 A. I did the interview.

4 Q. You did? Did you interview some others?

5 A. Yes.

6 Q. Do you remember how many people you
7 interviewed?

8 A. Maybe five or six.

9 Q. Were any of them black?

10 A. I don't recall. I interviewed people that
11 their application was sent to me from the
12 personnel department that had the
13 qualifications.

14 Q. Other than Melanie Walsh, did you hire any
15 other employees or recommend the hiring of any
16 other employees when you were at the City?

17 A. I think that's the only one.

18 MR. JAFFREE: I'm beginning to wonder
19 whose race case is it.

20 Q. Did you ever become aware of an issue
21 regarding a gift that was passed around the
22 office that was a black angel?

23 A. A what?

0247

1 Q. A black angel. Does that mean anything to
2 you?

3 A. No, it doesn't.

4 Q. Nobody has told you about that?

5 A. No. That's first I've heard of it.

6 Q. Did you ever make a comment to the judge about
7 Get Out Bonding and why so many defendants
8 used Get Out Bonding?

9 A. Yes, I did.

10 Q. Tell me what you said. First of all, is this
11 a conversation you had with Judge Gordon?

12 A. Yes.

13 Q. And was anyone else present?

14 A. I don't recall.

15 Q. Do you know when this was?

16 A. I believe -- I'm pretty sure it was when Don
17 Thompson from Thompson Bonding met me at the
18 front door one morning to tell me about a
19 situation with Get Out Bonding and his
20 brother-in-law that had occurred the night
21 before. But I don't recall the date.

22 Q. I'm sorry. Who was this now, Mr. Thompson?

23 A. Don Thompson.

0248

1 Q. And who is he with?

2 A. He owned Thompson Bonding.

3 Q. And he made a comment to you about his
4 brother-in-law.

5 A. Right, that had been arrested.

6 Q. Okay. And what did he say to you about his
7 brother-in-law?

8 A. He said his brother-in-law had called him,
9 wanting him to bond him out of jail, but he
10 had a cash bond. And his brother-in-law
11 was -- Don was going to go over and pay the
12 bond.

13 But before he could, the brother-in-law
14 called him back and said that someone had
15 changed the bond to a regular bond, and that
16 one of the personnel from Get Out Bonding was
17 hanging around the jail that night, and that
18 they -- this person told the brother-in-law
19 that he could only use them to be bonded out.
20 If he didn't use them, that he could stay in
21 jail. And Don Thompson wanted me to check
22 into that.

23 Q. Okay. And are you friends with Don Thompson?

0249

1 A. No.

2 Q. Do you know Don Thompson?

3 A. Didn't till that day.

4 Q. Why did he come to you as opposed to going to
5 the jail?

6 A. I don't know.

7 Q. Does the magistrates' office have anything to

8 do with who a person that's been arrested and
9 that's in the jail uses as a bonding company?

10 A. We're -- we know of them, yes, because they
11 bond out the defendants.

12 Q. I'm talking about if it's Friday night and
13 somebody is arrested and they're down in the
14 jail and need a bonding company, the
15 magistrates' office doesn't have anything to
16 do with who they call, do they?

17 A. They have to do for -- with changing a bond if
18 their bond is changed from a cash to a
19 regular.

20 Q. And what did you tell Don -- what did you do
21 after you talked to Don Thompson?

22 A. I told him that I would have to let the judge
23 know about the situation and let her look into

0250

1 it and get back --

2 Q. So help me make sure I understand. His
3 brother-in-law had been arrested that night;
4 is that -- I mean, the night before he came --

5 A. Right.

6 Q. -- to see you? And some guy was hanging
7 around the jail from Get Out?

8 A. Right.

9 Q. Do you know who that was?

10 A. No, I don't the know the name.

11 Q. And there at the jail, he persuaded him --

12 A. No. He just told him that Get Out was his
13 only choice.

14 Q. You don't know who that person was?

15 A. No.

16 Q. And did he switch to Get Out?

17 A. Did he switch? He didn't have a choice if he
18 wanted to get out of jail.

19 Q. And why didn't he have a choice?

20 A. I've already answered that.

21 Q. Well, I'm sorry. I don't understand.

22 A. The personnel that was at the jail with Get
23 Out Bonding told him that he could not call

0251

1 another bonding company, that if he wanted to
2 be released from jail, that he would have to
3 use their company.

4 Q. Did you look into that?

5 A. I called the judge when I got into my office,

- 6 told her what was told me to me. She got
7 angry and said that she didn't believe
8 anything and that she would call Don Thompson
9 herself and straighten it out.
10 Q. To your knowledge, did she call Don Thompson?
11 A. She called me back later and told me that what
12 I said Don Thompson told me, that's not what
13 he told her, that he told her a completely
14 different story, and why did I lie.
15 Q. Do you know if he told her a different story?
16 A. I never talked to him again.
17 Q. You don't know?
18 A. No.
19 Q. Did you ever do anything to investigate Don
20 Thompson's complaint --
21 A. I --
22 Q. -- other than talk to the judge?
23 A. No, I didn't. Don't believe I did.

0252

- 1 (Brief pause)
2 Q. Any other issues about Get Out Bonding besides
3 that incident with Don Thompson and telling
4 the judge and you said the judge got angry?
5 A. Just that Sarah Fowler told me that she always
6 had problems getting the judge to do final
7 forfeitures on Get Out Bonding.
8 And also Mendheim -- and I can't remember
9 his first name -- that owned Mendheim Bonding
10 came into the magistrates' office one day to
11 find how much he owed for his defendants that
12 hadn't appeared. And he told me that he would
13 not pay that until the judge made Get Out
14 Bonding pay theirs, because in the past,
15 they -- the other bonding -- he had been made
16 to pay his, but Get Out Bonding had not been
17 made, and they were not closed down.
18 Q. And this was like double hearsay from Sarah
19 Fowler?
20 A. No. That was two separate things. I said,
21 first, that Sarah Fowler told me that she had
22 a problem getting the judge to close down Get
23 Out Bonding for non-payment of the defendants

0253

- 1 that didn't show up for the bond.
2 Q. But you had no independent, direct personal
3 knowledge of any of that, do you?

4 A. No. Because I wasn't allowed to do the
5 clerk's Revocation of Surety.

6 Q. And who did that?

7 A. Michelle Sellers, although the clerk of the
8 court is supposed to do it.

9 And then the other incident that I said
10 was when Mr. Mendheim -- and I can't remember
11 his first name, probably will come to me later
12 because I knew him before I started at the
13 City -- came to me to find out. And he just
14 said -- told me the previous problems. And he
15 says, I'm not paying my money until they do.

16 And I told him, I could not tell him what
17 other bonding companies paid or didn't pay.

18 Q. Did you know what other bonding companies paid
19 or didn't pay?

20 A. I was given the information. I -- it was
21 done -- it was a report.

22 Q. Other bonding companies had final forfeitures,
23 didn't they?

0254

1 A. Yeah.

2 Q. Other bonding companies have gone out of
3 business, haven't they?

4 A. Not -- not -- the only one that couldn't do
5 bonds when I was there was when Get Out
6 Bonding didn't pay theirs, and they were
7 finally -- bonds were not taken from them.

8 Q. You're saying, that's the only one that you
9 know of that --

10 A. Right.

11 Q. -- went out of business?

12 A. Right. I -- to my knowledge.

13 Q. Did Mendheim have -- do you -- Mendheim?

14 A. Mendheim, M-E-N-D-H-E-I-M, I believe.

15 Q. Are they still in -- did they remain in
16 business while you were there?

17 A. Yes.

18 Q. Did they owe money or have final -- have
19 forfeitures?

20 A. They were never closed down. They eventually
21 paid or had the defendant show up.

22 Q. Do you know A Advantage Bonding?

23 A. A Advantage? Yes.

0255

1 Q. Have they ever been shut down?

2 A. I don't know.

3 (Brief interruption)

4 Q. The only conversation you had with Judge
5 Gordon about Get Out was the incident that you
6 mentioned or just testified to regarding Don
7 Thompson; is that correct?

8 A. No.

9 Q. Okay. I'm sorry. I thought -- what other
10 conversations --

11 A. The other was that I had been told by Valarie
12 Savage that Get Out Bonding bonded out more
13 defendants than any other bonding company
14 because they hung around the jail a lot. So I
15 ran a report giving the bonding companies and
16 how many they bonded out.

17 Q. How did you run a report?

18 A. From the court system.

19 Q. Okay.

20 A. And it was significantly higher, the number,
21 for Get Out Bonding than the other bonding
22 companies.

23 Q. Okay.

0256

1 A. And when I asked the judge about Get Out
2 Bonding and why they bonded out more
3 defendants, she got very angry and said she
4 was tired of hearing about Get Out Bonding.

5 Q. When did this occur in relationship to the
6 incident regarding Don Thompson?

7 A. After.

8 Q. Like how much after?

9 A. I don't remember.

10 Q. You don't know whether it was a week or a
11 month?

12 A. No.

13 Q. Don't know if it was April or May?

14 A. No. I believe it was later than those months.
15 Can't be sure.

16 Q. It was your understanding that Get Out Bonding
17 got more bonds because they hung around the
18 jail?

19 A. I didn't observe it. I was told that. I
20 didn't hang out at the jail.

21 Q. Did Judge Gordon have anything to do with what
22 bonding company a criminal defendant who was
23 in jail selected to issue a right to bond?

0257

1 A. I don't know. Did she? Maybe. That would be
2 a question for her.

3 Q. Well, do you have any reason to think that she
4 did?

5 A. She could have.

6 Q. But you don't know. You don't have facts to
7 support that, do you?

8 A. No. And she doesn't have the facts to say she
9 didn't.

10 Q. The jail is -- she is not over the jail, is
11 she?

12 A. No. But she has a connection with the jail.

13 Q. Well, what is her --

14 A. Well, the defendants --

15 Q. Her connection to the jail is what?

16 A. -- from her courtroom are in that jail. She
17 is great friends with the warden -- at the
18 time, the warden at the jail, one of them.
19 And Lavera had previously worked at the jail,
20 and they were great friends, the judge and
21 Lavera. And she was great friends with the
22 owners of Get Out Bonding.

23 Q. Who?

0258

1 A. I can't remember their name.

2 Q. And who was great friends?

3 A. The judge.

4 Q. And how do you know that?

5 A. Because I observed it in court.

6 Q. And what did you observe?

7 A. I observed that Get Out Bonding personnel was
8 allowed to sit at a front table where, really,
9 bondsmen were not supposed to be sitting and
10 that they were in conversation with the judge
11 a lot.

12 Q. Do you have any other facts that support your
13 testimony that the judge has absolutely
14 anything to do --

15 A. No.

16 Q. -- with what bonds are written in the jail?

17 A. No.

18 Q. It's all supposition, assumption; isn't that
19 correct?

20 MR. JAFFREE: I think --

21 MS. NELSON: Let me ask my question. You

22 can state your objection.

23 A. No, it's not.

0259

1 MR. JAFFREE: Well --

2 A. No.

3 Q. Well, then, what's it based on besides what
4 you just testified to?

5 A. What I testified to?

6 Q. You're looking at your --

7 A. I'm not looking at my notes. I hadn't hardly
8 looked at them the whole time.

9 Q. You're saying because Lavera used to work in
10 the jail, because the judge knows the warden,
11 because the judge let a bondsman at Get Out
12 sit on the front row. Those are the three
13 things I heard.

14 MR. JAFFREE: Well, you also heard, the
15 judge getting very upset when she
16 mentioned anything adverse about Get
17 Out Bonding. You want to throw that
18 in?

19 Q. And the judge got upset and said, she didn't
20 have any control over that, didn't she?
21 Didn't the judge tell you, she didn't have
22 control over --

23 A. No. She did not.

0260

1 MR. JAFFREE: I thought her testimony was
2 --

3 A. I didn't testify to that. No, she didn't.

4 Q. So those four things. Anything else that you
5 have that would support the judge had anything
6 to do with a defendant in jail using Get Out
7 Bonding?

8 A. No. Well, there is one other incident that I
9 can't prove because there's nothing in
10 writing. It's just something that I
11 overheard. And, basically, I can figure out
12 what happened, but I can't prove it.

13 Q. And what is that?

14 A. That I questioned -- I called Warden Grubbs to
15 question why -- who had changed a bond because
16 it only said, "per Judge Gordon." Didn't say
17 why. And I called and asked her who had
18 called to have the bond changed. And she said
19 she didn't know, that all -- all she had

20 was -- she believed the judge called because
21 it had "per Judge Gordon."

22 And I walked from my office after that
23 conversation into Lavera's office to discuss

0261

1 something with her, and she was on the phone
2 with someone. And her cell phone started
3 ringing. And when she picked the cell phone
4 up, the person at the other end, who of course
5 I can't identify, on the phone was talking
6 very loud and said, I overheard, court
7 administrator, go talk to the judge.

8 And Lavera on her end said, I was on my
9 way over there anyway, I'll tell the judge,
10 which led me to believe there was -- when I
11 questioned the bond, the warden called
12 Lavera. Lavera went to Judge, told her I was
13 questioning why bonds were being changed.

14 Q. Again, this is just your supposition of what
15 had occurred?

16 A. Makes a lot of sense.

17 Q. But it is your supposition?

18 MR. JAFFREE: It's a term --

19 A. It's not supposition.

20 MR. JAFFREE: It's a term of inference.

21 A. I overheard.

22 MR. JAFFREE: An inference on facts, not a
23 supposition.

0262

1 Q. And who was this bond -- what defendant was
2 this bond on?

3 A. I don't remember. There were so many bonds
4 changed.

5 Q. You're making some very serious allegations
6 here.

7 A. I know I am. If you -- if y'all had provided
8 what we asked for in documents, maybe I could
9 tell you.

10 Q. When did you talk to Warden Grubbs about this
11 issue?

12 A. I can't possibly remember the date.

13 Q. What kind of bond had she changed?

14 A. Who?

15 Q. You said you talked to Warden Grubbs?

16 A. She didn't change -- I didn't say she changed
17 a bond. I was trying to find out from her if

18 she knew who had called, if it was a
19 magistrate, if it was Judge Gordon.

20 Q. The bond had been changed from what to what?

21 A. I don't know. I mean, cash to regular,
22 regular to cash. It's been -- I can't -- in
23 any imagination, me or anyone else, remember

0263

1 every bond, every date.

2 Q. And --

3 MR. JAFFREE: Let me --

4 Q. -- the bond had been changed from --

5 MR. JAFFREE: Let me object to this line
6 of questioning. She said it was her
7 supposition and she couldn't prove
8 it. You insisted on asking her what
9 was it. She didn't want to talk about
10 it. She talks about it, and then you
11 accuse her of making some serious
12 accusations.

13 MS. NELSON: Well, they are serious
14 accusations.

15 MR. JAFFREE: Well, they're --

16 MS. NELSON: And I have a right to stay
17 here to midnight if I want to and ask
18 her about them. She can't back them
19 for anything.

20 MR. JAFFREE: She didn't make accusation.
21 She's just simply saying there are
22 some dots that could be connected.

23 MS. NELSON: She's making serious

0264

1 accusations not only here, but I've
2 read -- and I haven't even gotten to
3 that yet. And I mean very serious
4 accusations. She can't back them up.
5 I think she's opening up herself for
6 exposure.

7 Q. I want to know --

8 MR. JAFFREE: Right here in this
9 deposition?

10 THE WITNESS: Yeah. That's what it
11 sounded like to me.

12 Q. I want to know who -- what criminal defendant
13 this bond was changed on that you remembered
14 this so well, but you can't even remember who
15 it was.

16 A. As I stated before, there is no way, as many
17 court documents, as many defendants, as many
18 bonds. And I told you that I could not -- I
19 didn't have documentation to prove it.

20 Q. Why did you call Warden Grubbs?

21 A. Because there was -- had been a habit of a lot
22 of bonds being changed that just had on them
23 "per Judge Gordon." And they -- if the

0265

1 judge -- I even asked the judge then. I asked
2 her, I said, did you call and change a warrant
3 on so-and-so date, which I knew the date at
4 the time because it had just happened.

5 And she said, no, I did not call.

6 And I said, well, it's my understanding
7 that if it has your signature, it should only
8 be called in by you.

9 And she said, that's correct.

10 However, there was numerous bonds that had
11 been changed that had "per Judge Gordon" that
12 I didn't believe were being changed per Judge
13 Gordon.

14 Q. You're saying it would say "per Judge Gordon"
15 but not have her signature?

16 A. Right. Right. It was written by -- in by a
17 warden or whoever was there at the time. And
18 there would be no documentation as to why it
19 was changed.

20 Q. So best of your knowledge, the "per Judge
21 Gordon" would be written by the jail or the
22 warden, not anybody in the magistrates'
23 office?

0266

1 A. Yes. But it would be written there when they
2 were told to put "per Judge Gordon."

3 Q. When who was told?

4 A. When the warden was told by someone to change
5 it. And I was just trying to find out. If
6 the judge didn't call and have them change it
7 to "per Judge Gordon," who did?

8 Q. Now, do you know Warden Grubbs?

9 A. Only -- I met her when I started working
10 there.

11 Q. Now, are you making an accusation that she had
12 a relationship with Get Out Bonding?

13 A. That's not what I said.

14 Q. I'm just asking.

15 A. That's not what I said.

16 Q. Okay. After that, was there any more
17 discussion about Get Out Bonding?

18 A. Only when the final forfeitures were supposed
19 to be done. And I had read the Alabama Code
20 or something that stated that the court --
21 clerk of the court was supposed to do the
22 Revocation of Surety. And I got the -- Sarah
23 Fowler sent me the list of the two companies

0267

1 that hadn't paid. And that was Mendheim
2 Bonding and Get Out.

3 Michelle Sellers asked me to send that
4 list to her and on -- with the list, I wrote
5 Michelle Sellers a note that said something
6 like, am I -- aren't I supposed to be doing
7 this process, please let me know if I am.

8 Q. You thought you were supposed to be doing it?

9 A. Yes. That's the statutes or code says, that
10 it's to be done by the clerk of the court.

11 Q. And you're the clerk of the court?

12 A. Yeah, I was.

13 Q. Would you have known what to do?

14 A. Sure.

15 Q. And how would you know? Would you ask --

16 A. It's a form.

17 Q. -- Mary Beth or Mary Turner?

18 A. No. I probably would have asked Sarah who
19 knows all about it.

20 Q. Was, to your knowledge, Michelle Sellers ever
21 the clerk of the court?

22 A. I'm sorry?

23 Q. Was Michelle Sellers ever the clerk of the

0268

1 court?

2 A. Yes. But she wasn't at that time.

3 Q. Following your meeting with the judge and Kai
4 Davis, did the three of y'all ever have any
5 other meetings?

6 A. No.

7 Q. Did the judge ever meet with you after that
8 meeting to discuss your job duties or how you
9 were running the office?

10 A. No. I talked --

11 THE WITNESS: Well, yeah. She said all

12 three of us, though.

13 MR. JAFFREE: Oh, okay.

14 A. I met with Kai after that another time.

15 Q. Your attorney was showing you your calendar.

16 And when did you meet with Kai Davis after

17 that? You're referring to Defendants' Exhibit

18 5?

19 A. Yes, I am.

20 On September the 29th.

21 Q. And I've tried to copy this. But, again, I'm

22 on a page that -- the 29th falls in the middle

23 of the calendar.

0269

1 You have a note --

2 MR. JAFFREE: Well, you need to get a good

3 copy. Do you want to do this again or

4 something?

5 MS. NELSON: Well, I'm trying to see if I

6 can read it.

7 Q. Talked to Kai Davis -- you're right. Tell me

8 what it says. I may need to get a better

9 copy, like the 29th of September.

10 A. Well, first it says, "talked to Judge about

11 memo she did to me. Talked to Kai about

12 favoritism" --

13 Q. Let me stop you. The memo the judge did to

14 you, did she give you a memo?

15 A. Yes. It was about me changing the job

16 duties. And when I did, Eunice and Lavera

17 sent me a memo and copied the judge, saying

18 they were protesting the additional job

19 duty -- minor job duties I had added to their

20 list.

21 Q. Okay. So you talked to the judge before you

22 went to see Kai?

23 (Brief pause)

0270

1 Q. Do you remember what you did first, talked to

2 the judge or talked to Kai?

3 A. Talked to the judge.

4 Q. And then you went to see Kai?

5 A. Yes.

6 Q. And why did you go see Kai?

7 A. And then it says, "Talked to Kai about

8 favoritism, cases not properly done, wrongful

9 arrests, cash bond not handled right. Kai

10 said to first let Judge know about Gregory
11 Powe case. And she told me to keep a
12 calendar. She will do some looking into the
13 favoritism shown."

14 Q. That's what I can't read. "She will do some
15 looking" --

16 A. In -- "She will do some looking into" -- "she
17 will do some looking into things," is what it
18 says.

19 Q. "Looking into things?" Okay.

20 And then the next day, on the 30th, can
21 you tell me what those entries say?

22 A. "Called to request Judge to call me. Never
23 returned call. Called Michelle and asked her

0271

1 if I could come over and talk to her tomorrow
2 about some things I need help on. Said yes.
3 Eunice told me her cousin was killed and might
4 be out Tuesday."

5 And in parentheses, I've got "Michelle and
6 Mary." But I don't know what that's about. I
7 don't recall that.

8 Q. So based on -- back on the 29th, you said, Kai
9 said to let Judge know about the Powe case --

10 A. Yes.

11 Q. -- and to keep a calendar?

12 You had been keeping a calendar, hadn't
13 you, or did you --

14 A. A little bit. And then I went --

15 Q. You went back and started writing in things?

16 A. I had -- on this -- on this month, I did.

17 Q. Month of September?

18 A. Yes.

19 Q. Did you talk to the judge about the Powe case?

20 A. Yes, I did.

21 Q. And when did you do that?

22 A. After I talked to Kai sometime.

23 Q. Well, you said you talked to Kai about that on

0272

1 the 29th, so you're saying it would be after
2 the 29th?

3 A. Yes.

4 Q. And what did you tell the judge about the Powe
5 case?

6 A. I told her that I had understood that there
7 had been a wrongful arrest and that Mary

8 Turner had brought it to my attention because
9 she got the money from the jail for bonds Powe
10 paid -- posted. And she had a receipt for
11 bond money on a Gregory Powe posted by Larry
12 Pike, but there was no money there.

13 Q. Okay.

14 A. So we looked for the paperwork; couldn't find
15 it.

16 Q. And then what happened?

17 A. I started searching and investigating. And
18 Mary called the jail to find out why there was
19 a receipt and no money and found out the
20 defendant was released. And then I asked
21 Eunice, I believe, for the paperwork because
22 she was the magistrate on call. And in the
23 paperwork it stated that Eunice had released

0273

1 because Lavera had not attached a CRO
2 certificate to his case and closed it out some
3 months previously. So he was wrongfully
4 arrested. And she --

5 Q. Let me stop you. How do you know Lavera
6 didn't attach it?

7 A. Because there's case notes in the court
8 system.

9 Q. And do you have any knowledge that Lavera
10 didn't attach it?

11 A. It wasn't attached. They faxed it over again.

12 Q. Do you have any facts that support that
13 Lavera -- I'm sorry -- Eunice did anything --
14 strike that.

15 Is your testimony that Eunice or Lavera
16 should have attached that paperwork?

17 A. It's my testimony that Lavera should attach
18 the CRO certificate to keep from an alias
19 warrant being issued for his arrest. In --

20 Q. My question is, how do you know Lavera was
21 supposed to do that and didn't do that?

22 A. In the case notes on the court system, there
23 were notes that one of the magistrates -- I

0274

1 think Lavera, I'm not positive -- had put in
2 there that said, LM -- for Lavera McClain --
3 failed to attach CRO certificate to paperwork
4 when received.

5 Q. But you're not sure about that?

6 A. I -- I didn't say I wasn't sure. I said that
7 that's what the case notes said.

8 Q. And the case notes are what now?

9 A. They're in the court system. They're entered
10 in a case on a court system.

11 Q. On a docket?

12 A. On the case. When you go to the screen and
13 you pull up a case, there is places you can
14 enter case notes on.

15 Q. Okay. And I believe in your -- I'm looking
16 for the document that you submitted to me
17 earlier as part of your -- did you attach the
18 Powe documentation as part of your --

19 MR. JAFFREE: I don't think so.

20 A. No, I don't have the Powe documentation.

21 MR. JAFFREE: Well, I have some Powe
22 documentation that came in discovery
23 requests. I think that's the only

0275

1 documentation that I have, even though
2 I've requested it and a lot of other
3 documentation for defendants. But I
4 will address that later.

5 Q. Did you submit any of that to the City in your
6 response to your termination?

7 A. I don't -- what do you mean? Submit what?

8 Q. Did you respond to the City when you were
9 terminated, or did your --

10 A. Yes, I did.

11 Q. -- attorney do that?

12 A. I did that.

13 Q. And did you submit any documentation about the
14 Powe issue in that case?

15 A. I didn't have the documentation. I stated
16 what happened.

17 Q. Do you know if the City reviewed that or --

18 A. Reviewed what?

19 Q. The Powe issue.

20 MR. JAFFREE: How would she be in the
21 position to know that?

22 MS. NELSON: I'm just asking.

23 Q. Do you know?

0276

1 A. No. I do know that before I was terminated
2 and after I brought it to the attention of the
3 judge and she basically said that wasn't my

4 concern, that at a later date, I looked for
5 the paperwork to see how it had been handled
6 after it was none of my -- none of my
7 concern.

8 And it had been filed away incomplete. No
9 disposition had been entered. Money had
10 not -- there was still money owed on the court
11 costs or something was still showing
12 outstanding. And it had been filed away in
13 closed files. And I got it and wrote a note
14 to Eunice and asked her to finalize the case.

15 Q. All right. And when did you write her a note
16 to finalize the case?

17 A. The -- whenever I pulled it from the closed
18 files. What Eunice had done wrong was she had
19 returned -- she had not run the bond money
20 through the court system. And she returned
21 cash money to the Surety who had specifically
22 marked on the form that the money was only to
23 be returned to him.

0277

1 Q. And it's your understanding that Eunice gave
2 the money to Mr. Powe?

3 A. Yes.

4 Q. And do you know why she did that?

5 A. I don't know.

6 Q. You don't know?

7 A. Huh-uh (negative response). I just know it
8 wasn't run through the court system as is
9 every amount money for a bond is supposed to
10 be. And she should not have given the money
11 back to the defendant when there was a Surety
12 that marked only return to him.

13 Q. Again, you don't know the circumstances --

14 A. I know that there --

15 Q. -- under which that happened?

16 A. -- is a form that states, and that is a policy
17 and procedure. And if it says return only to
18 defendant -- I mean, to the Surety, that is
19 who you return it to.

20 And so if it was none of my concern, no
21 one ever explained to me.

22 Q. So you're saying when you talked to the judge
23 about it, that was her reply, that it was not

0278

1 your concern?

2 A. That it had already -- it had been taken care
3 of and it was not really any of my concern.

4 Q. Now, you also testified earlier that there had
5 been some changes in the job duties of Eunice
6 and Lavera; is that correct?

7 A. There had been job -- minor job changes done
8 in the majority of the magistrates at the same
9 time.

10 Q. And did you send them a notification of that?

11 A. Did I send who a notification?

12 Q. The magistrates that you had changed their job
13 duties?

14 A. Yes, I did. There was very minor job duty
15 changes.

16 Q. What were the changes in their job duties?

17 A. I had --

18 MR. JAFFREE: If you can recall without
19 looking at your -- the memo.

20 A. I don't have the memo.

21 MS. NELSON: Well, I'm just remembering
22 from -- I have the right to ask her if
23 she remembers it before showing her

0279

1 the document.

2 MR. JAFFREE: Well, I'm asking if she
3 could recall without looking at it.

4 MS. NELSON: Oh, okay. Yeah.

5 MR. JAFFREE: Would you prefer to look at
6 it first?

7 THE WITNESS: Yeah, I'd prefer to.

8 MS. NELSON: Well, I'm asking her if she
9 can recall before looking at it.

10 MR. JAFFREE: The document is going to
11 speak for itself for changes. I mean,
12 what does it say, I gotcha? If you've
13 got the document, show her the
14 document.

15 MS. NELSON: I'm asking her to tell me
16 what she remembers.

17 A. I remember adding a docket one day I believe
18 to Lavera. I added -- it was -- Mary Beth had
19 been doing it. It wasn't an assigned job
20 duty, but I made it an assigned job duty to
21 Mary Beth to review the obituaries and close
22 cases accordingly. I added to Mary Turner I
23 believe posting cash bonds. I believe I

0280

1 added --

2 Q. I'm listening. I'm sorry.

3 A. I believe I added something to Tonya. Not
4 sure -- I'm not sure what, but I do believe I
5 added some minor job change to her.

6 Q. Anybody else that you remember changing; any
7 other magistrates that you changed their job
8 duties?

9 A. I think I changed -- I think I did some
10 adjustment to probably just about every one of
11 the magistrates. I took a duty away from
12 Sarah and away from Valarie because they were
13 overloaded and Eunice and Lavera seemed to
14 have extra time. And I think I -- I might
15 have changed, like, backup -- from a secondary
16 person to a backup on a warrant window or a
17 front window for Ann, and maybe I did that on
18 Tonya also.

19 Q. Do you have a copy of the memo that you sent
20 to them; is that something you've produced to
21 me?

22 A. No.

23 Q. Do you have a copy of it anywhere?

0281

1 A. No.

2 (Defendants' Exhibit 20 was marked
3 for identification.)

4 Q. I'm going to show you what I've marked as
5 Defendants' Exhibit Number 20. Is that a
6 memorandum to you from Lavera?

7 A. Yes.

8 Q. And that's Defendants' Exhibit 20; is that
9 correct?

10 A. Yes.

11 Q. And that was in response to your job changes?

12 A. Yes.

13 (Defendants' Exhibit 21 was marked
14 for identification.)

15 Q. And then I'm showing you Defendants' Exhibit
16 Number 21, which is a personal memo to you
17 from Eunice Knight; is that correct?

18 A. Yes.

19 Q. And that was in response to your memo
20 regarding job changes?

21 A. Yes.

22 (Defendants' Exhibit 22 was marked
23 for identification.)

0282

1 Q. And then Defendants' Exhibit 22, is that your
2 memo back to -- so is that to Eunice about the
3 job changes?

4 A. Yes.

5 (Defendants' Exhibit 23 was marked
6 for identification.)

7 Q. And I'll show you Defendants' Exhibit Number
8 23, which appears to be your memo back to
9 Lavera about the job changes; is that correct?

10 A. Yes.

11 (Brief pause)

12 (Defendants' Exhibit 24 was marked
13 for identification.)

14 Q. Let me show you Defendants' Exhibit Number
15 24. Do you recognize that?

16 A. Yes, I do.

17 Q. Is that a memo you prepared?

18 A. It was an e-mail.

19 Q. That's an e-mail?

20 A. Yes.

21 Q. To the judge?

22 A. Yes.

23 Q. Had she asked you to explain why you were

0283

1 making changes or --

2 A. Actually, because Eunice and Lavera copied her
3 on their complaints instead of just coming to
4 me with it, just sending the memo to me as
5 their direct supervisor, I thought I should
6 explain to the judge after I received theirs.
7 I was doing this e-mail. And instead of
8 sending an e-mail, I printed it out and took
9 it over with a note I believe and -- but I
10 finished this. The judge had already done a
11 memo to me before I could give this to her.
12 But I still gave it to her.

13 Q. And the memo to you from the judge, what did
14 it say?

15 A. Please refrain from making additional job duty
16 changes without consulting me, something to
17 that effect.

18 MS. NELSON: Is that 24?

19 MR. JAFFREE: Yeah.

20 (Defendants' Exhibit 25 was marked
21 for identification.)

22 Q. And I'm going to show you Defendants' Exhibit
23 25. Is that the memo the judge gave to you?

0284

1 A. Yes.

2 Q. Did she talk to you about any of this, the
3 judge, that is?

4 A. What do you mean, talk to me?

5 Q. Well, did she just hand you the memo, or did
6 y'all talk about this whole issue about the
7 reassignment of duties?

8 A. We talked. I believe we talked. I'm not -- I
9 don't know when. I -- I know that she gave me
10 this. I was working on my e-mail to her,
11 explaining it since they copied her. And,
12 basically, if we talked, it would have been
13 the same thing that I put in there.

14 Q. Do you remember y'all discussing the fact that
15 you were going to rotate duties every 90 days
16 or every three months?

17 A. We never had that agreement of a specific time
18 period that I recall.

19 Q. You say you didn't have an agreement, but
20 y'all had talked about --

21 A. We had talked about --

22 Q. -- rotating?

23 A. -- rotating duties every two to three months,

0285

1 no specific 90 days. And besides the fact,
2 these were minor job changes. I had done
3 minor job changes before, and nothing had ever
4 been said about it. And I didn't consult the
5 judge at that time because I was the
6 supervisor. And it was how many days short of
7 90 days anyway?

8 Q. I don't know.

9 A. Two or three.

10 Q. How many was it?

11 A. Two or three.

12 Q. How do you know that?

13 A. Because I know when I made the last.

14 Q. And when was that?

15 A. The --

16 Q. And you're referring back to Number 5.

17 A. The June 28th, July, August, September.

18 Q. But you were looking on June 28th on your
19 calendar?

20 A. The major -- no. I was trying to see a date
21 of June, but it's not on there. My
22 calendar -- I do not have that on my
23 calendar. I -- well, I do, too.

0286

1 Q. What are you looking at now?

2 A. I sent a memo out on the 10th.

3 Q. Of what?

4 A. June. Advising of the change of job duties,
5 of the cross-training, and that several
6 magistrates were being changed all around and
7 attached the job duties, and told them it
8 would go into effect June the 28th.

9 Q. And do you have that memo?

10 A. No, I don't.

11 Q. And this was one of the entries you went back
12 in and wrote after you met with Kai Davis?

13 A. No, I don't think so. I think I had already
14 written that.

15 Q. You could have?

16 A. I said no.

17 Q. You said, no, you think you could have written
18 that?

19 A. Most of these in the front of the calendar, I
20 had already written in when I did the memos.
21 But the memo I did for the magistrates with
22 the attached job duties you should have.

23 MR. JAFFREE: Shouldn't the magistrates

0287

1 have these memos?

2 THE WITNESS: Yes, each one of them.

3 MR. JAFFREE: I didn't get any of these
4 memos in the submissions that I got.

5 THE WITNESS: Each magistrate had a book
6 of memos.

7 Q. And then after you received the memo from the
8 judge, asking you to refrain from reassigning
9 job duties, what did you do?

10 A. I was upset.

11 Q. Well, did you go see her? Did you go to talk
12 to her about it?

13 A. At that time, the judge was not really talking
14 to me a whole lot, so I don't know. She
15 wasn't returning phone calls. She was having

16 Michelle Sellers call me. I do have notation
17 on the 29th that I talked to the judge about
18 the memo she did to me. So I guess I did.
19 Q. I'm looking at September 30th now, and then
20 next to it, which is a blank block and another
21 blank block. Did that happen on October 1st
22 and 2nd, or did all of your entries here apply
23 to September 30th?

0288

1 A. I'm sorry?
2 Q. Do you see what I'm talking about? I'm
3 looking at September 30th, and then the month
4 ends. And then you've got two blocks filled
5 in, which normally would be October 1st,
6 October 2nd. But all that writing is next to
7 September 30th.
8 My question is, did you make that entry,
9 or you're saying all this occurred on
10 September 30th?

11 A. Yes.

12 Q. Look with me. It says you --

13 A. Wait a minute. No.

14 Q. No?

15 MR. JAFFREE: If you recall.

16 (Brief pause)

17 A. I don't recall.

18 Q. There is an entry that says, "Talk to Judge
19 and Michelle about whether to write Michelle
20 B. up for paperwork and Mary for shouting at
21 Ann." You brought that to the judge's
22 attention?

23 A. What?

0289

1 Q. About whether to write Michelle B. up for
2 paperwork and Mary for shouting.

3 A. No, I didn't bring that to the judge's
4 attention. She had already told -- she had
5 told me about the shouting, and I had
6 explained to her that it wasn't as she heard
7 it. But she insisted that I write Mary up.

8 Q. Then why did you say, I talked to her about
9 whether to write them up and --

10 A. Because I went --

11 Q. -- the judge said yes.

12 A. -- back to talk to her about Michelle Bryan
13 because I was still having a problem with

14 having already done a memo and -- and Mary for
15 shouting. I wanted to get some assistance in
16 what I was supposed to be writing up.

17 Q. Then next block, "Valarie said she would file
18 a complaint if she has to do things Mary
19 Beth's way. I told her we're going to do
20 it" --

21 A. "The way it was when I came. She is not
22 happy."

23 Q. So Valarie and Mary Beth were having
0290

1 disagreements?

2 A. Valarie and others had disagreements quite
3 often.

4 Q. And what kind of complaint was she going to
5 file if she had to do it --

6 A. I don't know.

7 Q. -- Mary Beth's way?

8 A. I don't know.

9 Q. She didn't agree with Mary Beth, did she?

10 A. Sometimes she didn't. Sometimes they worked
11 together well.

12 Q. Did you write her up?

13 A. For what?

14 Q. Not doing it Mary Beth's way when you told her
15 she was going to have to.

16 A. She did after I told her she was going to.
17 She did do it Mary Beth's way.

18 Q. What was she complaining about the way Mary
19 Beth -- what was Mary Beth's way?

20 A. I -- I don't recall.

21 Q. Well, I'm looking at the 7th about a leave
22 request. Is that your leave request?

23 A. Yes.

0291

1 Q. You had plans to go to --

2 A. I had called for days because I had submitted
3 a leave request, and the judge never would
4 rule on it, would never approve it, disapprove
5 it, would never call me about it to my
6 knowledge. And I finally took a copy of the
7 leave to the judge and asked her to sign it if
8 she was going to approve it.

9 Q. Did she approve it?

10 A. Yes.

11 Q. You said -- I'm looking on, like, the 3rd of

12 October. "Valarie came in mad and stayed mad
13 that way." Was she still mad at Mary Beth?

14 A. No, she had her days.

15 Q. On the 5th, "Talked to Martha in Personnel,
16 Kai was out, whether to write MB" -- I assume
17 that's Mary Beth?

18 A. Michelle Bryan.

19 Q. Michelle. I'm sorry. Michelle Bryan for lost
20 paperwork.

21 A. Yes.

22 Q. "Said would do it because Judge said to?"

23 A. Uh-huh (positive response).

0292

1 Q. You were asking Personnel to do it?

2 A. No. I was going to talk to Kai about it
3 because I still -- even after talking with the
4 judge, I just didn't think it was right to
5 write her up in a disciplinary action when I
6 had told her and written up the memo on her.
7 So I asked -- talked to Martha McClain in
8 Kai's absence, explained the situation, and
9 asked her what should I do. And she told me
10 that I should do what the judge said do. And
11 that's what I did.

12 Q. You also say that "Ann screwed up on warrant
13 from complaint and put" --

14 A. Complainant.

15 Q. -- "complainant" -- excuse me -- "in for
16 suspect. The complainant was arrested. Told
17 Judge. She didn't know what to do."

18 A. Told Judge and the judge said she didn't know
19 what to do about it.

20 Q. Did the judge tell you to write Ann up, or did
21 she leave that up to you?

22 A. When she answered -- said she didn't know what
23 to do. She was the judge. If she didn't know

0293

1 what to do, I certainly didn't. Besides, I
2 didn't have time to write her up after that
3 anyway. I was gone, terminated.

4 Q. That was on the 5th; is that correct?

5 A. Yes.

6 Q. You learned on the 12th about your
7 Determination Hearing?

8 A. I was given the notice on the 12th, yes.

9 Q. And then you had a Determination Hearing on

10 the 13th?

11 A. Right.

12 Q. And your notes say that "me, Elston, Jim, MS,
13 Judge." Tell me who all was there.

14 A. Elston Jones was EEOC officer -- EEO officer.
15 Me, Jim, my husband, Michelle Sellers, Judge,
16 and Martha McClain.

17 Q. And then you were actually terminated on the
18 18th; is that correct? I mean, excuse me, of
19 October?

20 A. Right.

21 Q. Let me ask you a little bit about that in a
22 minute. While we've got the calendar out --
23 MR. JAFFREE: Before you -- I promise you

0294

1 two minutes.

2 MS. NELSON: We can take a quick break.

3 (Brief recess)

4 (Defendants' Exhibit 27 was marked
5 for identification.)

6 Q. Defendants' Exhibit 27, is that -- we talked
7 about your getting notice on October 12th of
8 your Determination Hearing. Did you receive
9 that memo?

10 A. Yes.

11 (Defendants' Exhibit 28 was marked
12 for identification.)

13 Q. And this may have been attached. I'm going to
14 show you Defendants' Exhibit 28, which I guess
15 also more specifically notifies you of the
16 hearing -- the Determination Hearing?

17 A. Yes.

18 (Defendants' Exhibit 29 was marked
19 for identification.)

20 Q. Defendants' Exhibit 29, again, basically just
21 stating that your work performance was
22 unsatisfactory during your probationary
23 period. Was that provided to you and that's

0295

1 your signature?

2 A. I'm not sure why it says "refused to sign."

3 Q. Have you seen that, though?

4 A. Yes. Is this all of this document? I guess
5 it is.

6 (Defendants' Exhibit 30 was marked
7 for identification.)

8 Q. I'm showing you Defendants' Exhibit 30, which
9 is your -- called "Due Process Interview
10 Questions."

11 MR. JAFFREE: Did you sign this, or did
12 you refuse to sign it.

13 THE WITNESS: I thought I refused to sign
14 it, but I might have signed it.

15 MS. NELSON: It's my turn to ask
16 questions.

17 MR. JAFFREE: Well, I'm just trying to get
18 some clarity.

19 MS. NELSON: Well, you'll have that
20 chance.

21 Q. Have you seen Defendants' Exhibit 30,
22 Ms. Martin?

23 A. I don't recall seeing it. It might have been
0296

1 read to me.

2 Q. Just to clarify, I'm going back to 29. It
3 looks like it says -- there's a place that has
4 a signature and then it says "refused to
5 sign." Did you sign it, Defendants' Exhibit
6 29 or --

7 A. That is my signature. I believe I -- I think
8 I refused to sign it to begin with. Not
9 positive. But then I think it was explained
10 that it just basically said that I --

11 Q. You didn't necessarily agree with it but --

12 A. No, no, no.

13 Q. -- you did get it?

14 A. Right. Right.

15 (Defendants' Exhibit 31 was marked
16 for identification.)

17 Q. And then Defendants' Exhibit 31 is the actual
18 decision to terminate your employment?

19 A. Yes.

20 (Defendants' Exhibit 26 was marked
21 for identification.)

22 Q. Let me show you Defendants' Exhibit 26 and ask
23 you if you have seen that document.

0297

1 A. No. These were not attached to the document
2 that I received.

3 Q. I mean, you have seen the performance
4 evaluation?

5 A. Yes. But I have not -- I was not given those.

6 Q. The attachments --

7 A. Were not there.

8 (Defendants' Exhibit 32 was marked
9 for identification.)

10 Q. And this may be a more complete copy, but this
11 is Defendants' Exhibit 32. It's basically the
12 same evaluation as 26, but it's also signed by
13 Kai Davis and -- did you have an opportunity
14 to sign that but refused to sign?

15 A. Yes.

16 Q. And then after that, you filed a response,
17 which I believe you provided to me which is
18 marked as Defendants' 4; is that correct?

19 A. I filed this during my Due Process Hearing
20 instead of orally telling this -- my response.

21 Q. Did you prepare all of that?

22 A. I -- under the direction of my attorney, I
23 did. Not my attorney now.

0298

1 Q. Who was your attorney at the time?

2 A. The attorney that told me what to put in there
3 was Charles Decker, D-E-C-K-E-R.

4 MR. JAFFREE: I would have kept some of
5 that out.

6 Q. Is Mr. Decker currently practicing?

7 A. Now?

8 Q. Yes.

9 A. I'm not sure. He was suspended.

10 Q. And I believe -- I didn't want to --

11 MR. JAFFREE: He was?

12 Q. But his license has been suspended?

13 A. Yeah. I read a notice that he was suspended.

14 MR. JAFFREE: Do you know for what? I
15 would remember him.

16 Q. And we could take an hour going over this.

17 A. But, basically, it's all been gone over.

18 Q. Did Mr. Decker prepare this?

19 A. No. He told me what to put in it. I prepared
20 it.

21 Q. Is there anything in here that's not truthful?

22 A. No.

23 Q. Well, did he -- well, I don't want to get in

0299

1 the attorney/client privilege?

2 MR. JAFFREE: Well, he's not quite the
3 attorney now. I would have

4 discouraged her from putting some of
5 that stuff in there.

6 MS. NELSON: The part where she accuses
7 the judge of illegal activity?

8 MR. JAFFREE: It's not relevant to her
9 claim. I wouldn't have put that in.

10 But I've talked to her about that.

11 I'm only making that clear for
12 the Record since she said it was under
13 advice of counsel that she --

14 THE WITNESS: I made that clear. I said
15 not my attorney now.

16 (Brief pause)

17 Q. I'll come back to this. I think I've asked --
18 gone over most of this.

19 You also filed a charge of discrimination
20 with the EEOC; is that correct?

21 A. Yes.

22 Q. Were you represented by Mr. Decker at the
23 time?

0300

1 A. No.

2 MR. JAFFREE: Let me object for the
3 Record. The charge is not relevant
4 evidence to these proceedings and
5 pending relevant matter in court.

6 MS. NELSON: Well, then are you dropping
7 all of your discrimination claims.

8 MR. JAFFREE: No, I'm not. I'm just
9 simply saying the charge itself has
10 got to be a right to sue. But the
11 charge itself is not relevant and not
12 evidence.

13 MS. NELSON: You stated your objection.

14 MR. JAFFREE: Nor is the EEOC findings.

15 MS. NELSON: Make your objection.

16 MR. JAFFREE: You don't dispute that, do
17 you?

18 MS. NELSON: I dispute that.

19 MR. JAFFREE: Oh, the EEOC findings are
20 relevant? Okay. I don't think the
21 Court will even permit them to be
22 introduced as evidence.

23 (Defendants' Exhibit 33 was marked

0301

1 for identification.)

2 Q. Ms. Martin, is this a copy of -- Defendants'
3 Exhibit 33, is that a copy of your EEOC charge
4 that you filed against the City?

5 A. That appears to be a copy of it.

6 Q. Is that your signature on the charge?

7 A. Yes.

8 Q. And was that statement in your charge made
9 under oath?

10 A. Yes.

11 MR. JAFFREE: Wait a minute. I'm not sure
12 these charges were done under oath,
13 but they could be.

14 MS. NELSON: Let the witness answer,
15 please.

16 Q. The answer is yes, it is under oath, isn't
17 it? You were swearing to --

18 A. Yes.

19 Q. -- the statements made therein?

20 MR. JAFFREE: Some is under penalty of
21 perjury. I don't know if it's under
22 oath.

23 MS. NELSON: It is signed under penalty of

0302

1 perjury --

2 MR. JAFFREE: Yes.

3 MS. NELSON: -- as opposed to under oath.

4 Okay.

5 MR. JAFFREE: She's -- so I guess --

6 MS. NELSON: Well, what does the document
7 say?

8 MR. JAFFREE: Well, the document says that
9 she signed both of these under oath.

10 She has to do that.

11 THE WITNESS: Who is that notary? I don't
12 recognize it.

13 MR. JAFFREE: I don't know. It wasn't me.

14 THE WITNESS: There's not a seal and
15 that's not this person's handwriting,
16 so I don't know if I swore to it or
17 not.

18 MR. JAFFREE: Do you think after the fact
19 somebody notarized it?

20 Q. Well, you did say, "I swear and affirm that I
21 have read the above-referenced charge, and it
22 is true to the best of my knowledge,
23 information, and belief." Is that correct?

0303

1 A. Yes.

2 Q. And you also signed that "I declare under
3 penalty of perjury that the foregoing is true
4 and correct." Is that true? Is that where
5 you signed there?

6 A. Yes.

7 Q. Again, I know the hour is getting late, and
8 I've asked you about a lot of this. And I'm
9 trying not to be repetitive. A lot of this I
10 think we've talked about.

11 I'm not sure we talked about this: You
12 claim that a new black magistrate was offered
13 a position with the office and Judge Gordon
14 pressured you to assign this new employee one
15 of the better offices.

16 Are you talking about Tonya Minifield?

17 A. Yes.

18 Q. And what office was she assigned?

19 A. She -- we had to -- we kind of renovated one
20 of the offices further down the hall and moved
21 Valarie Savage in that office and moved Tonya
22 Minifield in Valarie's office.

23 Q. Do you contend that's a better office?

0304

1 A. It's a better office than the one that I would
2 have put her in, yes.

3 Q. And where would you have put her?

4 A. In the office that Mary -- the smaller office
5 that Mary Turner was in.

6 (Brief pause)

7 Q. In this charge, you claim when you met with
8 Kai Davis that you believe the problems in the
9 magistrates' office were racially motivated.

10 Did you tell her that?

11 A. Did I tell who?

12 Q. Kai Davis.

13 A. Yes, I did.

14 Q. You didn't write that on your calendar, did
15 you?

16 MR. JAFFREE: Wait. Yes, she did.

17 MS. NELSON: Please let me question the
18 witness and refrain from testifying
19 for her.

20 MR. JAFFREE: But you said she didn't.

21 Q. Did you use the term "racially motivated" in

22 your calendar?

23 A. I'd have to look at it.

0305

1 MS. NELSON: Mr. Jaffree, please --

2 A. It doesn't matter. I don't have to write
3 everything in the calendar like I wrote it in
4 there. I didn't write everything I told Kai.

5 Q. You're saying, that's the first time you ever
6 made a claim that the actions in the
7 magistrates' office were racially motivated?

8 A. That's the first time I made a claim to Kai
9 Davis.

10 Q. Did you make the claim to Judge Gordon?

11 A. Huh?

12 Q. Did you make such a claim to Judge Gordon --

13 A. I don't recall --

14 Q. -- that her conduct was racially motivated?

15 A. I don't recall making that comment to Judge
16 Gordon. I do recall making comment to Judge
17 Gordon about her showing favoritism.

18 (Brief pause)

19 Q. And did you receive a notice from the EEOC
20 dismissing your EEOC charge?

21 A. I received a right-to-sue letter.

22 Q. Well, did that right to sue, as you call it,
23 basically state that the EEOC was -- could

0306

1 find no violation of the statute and dismissed
2 your charge, Defendants' Exhibit 34.

3 MR. JAFFREE: You don't have to use that
4 term "dismissed."

5 Q. Did you get a copy of that, Ms. Martin,
6 Exhibit 34?

7 A. I believe I did. My attorney got it. I
8 assume I got it, too.

9 Q. Where you filed a lawsuit in federal court; is
10 that correct?

11 A. That's correct.

12 Q. When did you and Mary Beth Brackin -- did
13 y'all get together and decide this was
14 something y'all were going to pursue against
15 the City?

16 A. After she was terminated.

17 Q. Did she approach you about suing the City?

18 A. I don't recall.

19 Q. Do you know when she was terminated?

20 A. No.

21 Q. Did you ever monitor a case in Birmingham that
22 involves a black judge being sued for
23 discrimination?

0307

1 A. Monitor a case?

2 Q. Did you ever read on the Internet or the
3 newspaper or become aware of a case in
4 Birmingham?

5 A. Yes.

6 Q. And how did you become aware of that case?

7 A. I don't recall. I did a lot of searches,
8 Internet searches.

9 Q. And that was while you were still working for
10 the City, wasn't it?

11 A. Not that I recall.

12 Q. And if some -- a copy of some information was
13 left in your office that you had copied some
14 information about the black judge in
15 Birmingham, would that have been done by you?

16 A. I can't say that it was.

17 Q. But it could have been?

18 A. I don't think so, no.

19 Q. So were you thinking about suing the City
20 while you were still working?

21 A. No, I wasn't. I had hoped very much to keep
22 my job, even to -- during the so-called Due
23 Process Hearing, was hoping for a miracle.

0308

1 Q. And what kind of miracle were you hoping for?

2 A. That the judge would realize that all she was
3 saying was a bunch of lies and that she had
4 not done my evaluations as she should have
5 done. She had skipped one. And that as long
6 as I was performing the way she wanted me to,
7 to write up the white magistrates and favor
8 the black ones and not do -- be able to
9 supervise them at all, then I was fine.

10 But after that -- when I start enforcing
11 things and disciplining consistently, or try
12 to, then she had tried to -- was on the course
13 of termination of me.

14 In fact, I believe that she had planned to
15 terminate me before I ever went on vacation
16 and just didn't follow through.

17 Q. And this is the same judge that had hired you

18 just nine months earlier; is that correct?

19 A. That's right.

20 Q. And did you think that Judge Gordon was a good
21 judge?

22 A. No, I didn't.

23 Q. Well, why did you want to keep working for
0309

1 her?

2 A. I needed to work. It was a good job. I liked
3 my job. It was very interesting. I was
4 learning a lot, wanted to learn more.

5 I quit a job at Legal Services after being
6 there 20 years because I wanted more
7 supervisory, more management responsibility
8 and couldn't obtain that there. And I left
9 and came to the City and virtually did my job
10 but had it -- had my life destroyed by Judge
11 Gordon because I wouldn't show favoritism.

12 Q. When you left the City, whether to go on
13 vacation or at the time you were terminated,
14 did you leave stacks and stacks of tickets in
15 your office where balances were still due
16 and --

17 A. I can't imagine that I did. But if I did,
18 there was a reason for it being there. I must
19 have been working on them.

20 Q. Now, after you left the City, did you
21 go -- did you get unemployment?

22 A. Yes, I did.

23 Q. And do you know approximately how much you
0310

1 got?

2 A. I think I got the max of -- maybe it was 290 a
3 week but tax -- I had tax -- federal taxes
4 taken out.

5 Q. Did you obtain other employment after you left
6 the City?

7 A. Not for about ten months or so, no.

8 Q. Did you seek other employment?

9 A. Yes, I did.

10 Q. And where did you seek employment?

11 A. I would have to give you a list. Probably 50
12 or 60 places.

13 Q. Were people in Dothan hiring?

14 A. Not at what I was making.

15 Q. Well, I would ask if you could provide your

16 attorney a list of where you looked for
17 employment.

18 What employment did you obtain after you
19 left the City?

20 A. With Movie Gallery as an HR coordinator.

21 Q. And when did you go to work for Movie Gallery?

22 A. I believe it was in August of --

23 Q. 2005?

0311

1 A. -- 2005.

2 Q. And how long did you work there?

3 A. I worked there till, I believe, October,
4 November of 2006.

5 Q. And why did you leave?

6 A. My position was eliminated because of the
7 merger -- positions were being eliminated --
8 mine was one -- because of the merger or the
9 purchase of Hollywood Video by Movie Gallery.

10 Q. Who was your supervisor?

11 A. Emily Bush.

12 Q. And after you left Movie Gallery -- what was
13 your salary at Movie Gallery?

14 A. I believe it was \$14 an hour.

15 Q. And did you obtain employment after Movie
16 Gallery?

17 A. Yes, I did.

18 Q. And where was that?

19 A. At Georgia-Pacific through Manpower temporary
20 services.

21 Q. Is that where you work now?

22 A. Yes. Except for I'm a permanent employee now
23 of Georgia-Pacific.

0312

1 Q. When did you go to work for Georgia-Pacific
2 through Manpower?

3 A. The end of November 2006.

4 Q. And how long did you work there through
5 Manpower?

6 A. Until February the 5th of this year, 2007.

7 Q. And you're now full-time with Georgia-Pacific?

8 A. Yes.

9 Q. And what is your job title there?

10 A. Human Resources Coordinator.

11 Q. And what are your duties?

12 A. I do salary administration. I set up and sit
13 in on some salaried interviews. I do the

14 setup of hourly employment ads and set up
15 interviews and sit on a selection interview
16 team for interviewing hourly employees and
17 recommending hire -- people to hire. I input
18 into our computer system all new hires,
19 salaried and hourly. I oversee the contracted
20 janitorial service for the whole mill. I
21 oversee Georgia-Pacific's guest house and --

22 Q. What is that; is that where you fell?

23 A. Yes.

0313

1 Q. What's the guest house?

2 A. It's just a huge house, lodge-like, that's on
3 several acres where we have employee events,
4 training. There's a picnic pavilion. There's
5 a smaller house on the grounds.

6 Q. And how did you fall?

7 A. I was down at the guest house with three other
8 people. There's a large room that was made
9 into a conference room where we hold big
10 events and trainings. There's a back door.
11 We were all three walking out the back door to
12 go to the shed to look for some more tables
13 and chairs.

14 When you walk out the back door, there's a
15 flat -- well, it's not flat. It's a flagstone
16 patio. And then there's a concrete handicap
17 ramp that's -- declines right beside it.
18 However, there was -- there's never been rails
19 put up. And when I walked out, I glanced back
20 over my shoulder to see if the door closed,
21 and my foot twisted off the flat below to the
22 incline. And I fell on my right knee and my
23 face.

0314

1 Q. And I trust they're processing it as a
2 workers' comp claim?

3 A. Yes, it is.

4 Q. And how many employees does Georgia-Pacific
5 have at that plant?

6 A. About 576.

7 Q. And I may have asked this: Who do you report
8 to?

9 A. Right now, our new HR leader is Carl, C-A-R-L,
10 Schreier, S-C-H-R-E-I-E-R.

11 Q. And your current salary, I believe you said,

12 is \$42,000?

13 A. Right.

14 Q. And in light of that, do you desire to work
15 for the City of Dothan?

16 A. Yes.

17 Q. And why is that?

18 A. Because most of my career is in legal. And I
19 believe that given -- if I'd been given the
20 proper chance and evaluations, supervision,
21 that I would be a great court administrator
22 and court clerk.

23 And when I took the job, I planned to stay
0315

1 there and retire there. I had no intentions
2 of leaving.

3 Q. So you would take a \$10,000 cut in pay?

4 A. There wouldn't be a \$10,000 cut in pay. The
5 salary is actually higher now than it was when
6 I was the court administrator because the
7 position was upgraded sometime after I left.

8 Q. And how do you know that?

9 A. Because it was in the Dothan Eagle.

10 Q. But other than that, you don't have any
11 personal knowledge of that; is that correct,
12 other than the reading it in the paper?

13 A. Yeah, in print.

14 Q. How do you contend you've been damaged as a
15 result of losing your job at the City?

16 A. I have suffered emotional stress, stress on my
17 marriage, income loss, embarrassment, had to
18 give up certain things I was used to with my
19 salary.

20 Q. What was that?

21 A. Had to cut off my cell phone, couldn't afford
22 it. And my husband had to take over -- well,
23 virtually all the bills. We had -- before

0316

1 that I had shared the burden of the bills with
2 him. I was unable on unemployment to pay our
3 household bills. It was very hard for me to
4 get a job again. I spent countless hours
5 doing resumes, cover letters, sitting for
6 interviews. Was offered a job once
7 until -- well, I told him about the
8 leaving -- how I left the City. He asked me.
9 I told him. But he talked to someone -- I

10 don't know who -- and called me back later and
11 said, he'd offered the position to someone
12 else.

13 Q. Did you try to go back to Legal Services?

14 A. I did interview with them. The pay was much,
15 much lower. I could not live off of the pay.

16 Q. So you turned them down?

17 A. Yes.

18 Q. Your husband, who does he work for?

19 A. He's self-employed.

20 I lost my insurance. We had to pay \$600 a
21 month for COBRA coverage.

22 Q. Do you have insurance now?

23 A. Yes, I do.

0317

1 Q. Were you hospitalized during the time period
2 that you were unemployed?

3 A. No, I wasn't.

4 Q. Did you incur any medical bills during the
5 time you were not employed?

6 A. I -- I would have to look at my medical
7 records at home.

8 Q. Now, in your -- you've said you read or
9 reviewed your Second Amended Complaint; is
10 that correct?

11 A. Yes.

12 Q. I'm going through, but I think a good bit of
13 this I have already asked you about. Just
14 bear with me.

15 (Brief pause)

16 Q. I'm on number 83, page 16. You make the
17 contention that Get Out Bonding appeared to
18 get preferential treatment from Defendant
19 Gordon. Defendants bonded by this outfit
20 appeared to get lesser sentences and have
21 their charges dropped with more frequency than
22 other bonders.

23 Do you have any evidence to support that

0318

1 allegation or appearance?

2 A. Just from what I've already told you.

3 Q. Or that Get Out was frequently not required to
4 pay their forfeitures. Do you have any
5 evidence or facts, other than what you've
6 testified to?

7 A. No.

8 (Brief pause)
9 Q. You were making claims of race discrimination
10 and constitutional claims. Do you understand
11 what claims you are making --
12 A. Yes.
13 Q. -- in this case?
14 And how do you feel your constitutional
15 rights have been violated?
16 MR. JAFFREE: You're asking her for a
17 legal conclusion.
18 MS. NELSON: Well, I realize it borders on
19 that but I just want her understanding
20 of that.
21 MR. JAFFREE: Well, I think it's a little
22 bit more than border. She's not an
23 attorney, but if you know the answer.

0319

1 A. As listed.
2 Q. As listed? What does that mean? You don't
3 really understand the --
4 A. I didn't say that. I said as listed in here.
5 Q. Well, I'm asking you to give me some
6 understanding, if you do have an
7 understanding, other than what's on paper.
8 MR. JAFFREE: It is highly unlikely that
9 she has a sophistication to understand
10 constitutional law and how the facts
11 of her case may intertwine with that
12 law. So if --
13 THE WITNESS: That's why I have an
14 attorney.
15 MR. JAFFREE: It you don't know just --
16 A. I understand basic.
17 Q. You are claiming that you were terminated
18 because of your race, white?
19 A. Yes.
20 Q. Do you know who replaced you in your job?
21 A. Yes, I do.
22 Q. And who is that?
23 A. Michelle Sellers.

0320

1 Q. And her race is white. I think we've
2 established that; is that correct?
3 A. Yes.
4 Q. Can you name any employee -- white employee
5 who you contend was treated differently than

6 you were?

7 MR. JAFFREE: You mean white employee?

8 Q. Excuse me. Black employee who was treated
9 differently than you?

10 A. My position was that I was the only one.

11 Q. You also have a claim of retaliation. Do you
12 understand that claim?

13 A. Retaliation?

14 Q. Yes.

15 MR. JAFFREE: What are you looking at?

16 A. Where are you at?

17 Q. I'm on page 35.

18 MR. JAFFREE: I mean, her response to that
19 one may suffer from the same thing as
20 the constitutional response.

21 MS. NELSON: The retaliation claim, can I
22 just confirm with you, Ishmael, that
23 under 40 -- it's under 42, 1983

0321

1 through 19 -- I'm just not sure that I
2 understand your claim. I'm on page
3 35.

4 MR. JAFFREE: I'd have to look and read
5 this whole thing in context. It may
6 be because she protested something as
7 made unlawful. And as a result of
8 that, she was terminated, even under
9 1983.

10 MS. NELSON: 1981 and 1983.

11 MR. JAFFREE: Yeah.

12 MS. NELSON: I'm just trying to make sure
13 I understand your claim.

14 Q. Are you aware you have a claim of negligence,
15 Ms. Martin? Can you tell me how --

16 A. Yes. I understand that.

17 Q. -- that the -- or Judge Gordon or the City has
18 been negligent towards you?

19 A. You're talking about actually Count 16. It
20 says Count 14 starts on page 35.

21 Q. Yeah.

22 A. And 36.

23 Q. What's Count 14?

0322

1 A. I think it --

2 MR. JAFFREE: Do I have these things
3 numbered wrong?

4 A. I think it was numbered wrong. But it says --
5 I renumbered mine, anyway.

6 That as a probationary employee, it's set
7 out that I was supposed to be evaluated every
8 three months, four times in the 12-month
9 period.

10 Q. And where does it say that?

11 A. You would have to get the --

12 Q. I'm just saying, what's your understanding of
13 where it says that?

14 A. It's in the City's Personnel Rules and
15 Regulations, Section 2-80.

16 And she had a duty to point out my
17 deficiencies and provide me with a reasonable
18 opportunity to cure those deficiencies. She
19 didn't do that. If she had have done my
20 evaluations as she should have, she might
21 could have done that. But she didn't.

22 She did not do one that was due on 7/26 I
23 believe. And I asked about when it was going

0323

1 to be done. I even asked Kai in Personnel had
2 it been submitted without me knowing it, and
3 she said no, it had never been turned in.

4 Q. But you knew from your meeting with the judge
5 and your meeting with Kai that there were
6 concerns about your ability to --

7 A. No.

8 MR. JAFFREE: That's your statement.

9 A. That's your statement, not mine. I was not
10 made aware of deficiencies. There were no
11 counseling sessions, and I was not made aware
12 of deficiencies. And if -- like I say, if the
13 judge wanted to do it the right way, she
14 would've done an evaluation on the date that
15 she was supposed to.

16 Q. And that's your testimony -- that's your
17 understanding of the rule?

18 A. And then I suffered injury from that because I
19 lost the job.

20 Q. Well, we've been over this testimony in -- can
21 you at least agree that you and the judge were
22 not seeing eye to eye when you met with Kai
23 Davis?

0324

1 MR. JAFFREE: That's a broad question.

2 MS. NELSON: State your objection.
3 MR. JAFFREE: I mean, it's too broad for
4 her to answer. I mean --
5 Q. You understand that, don't you?
6 MR. JAFFREE: Eye to eye on what?
7 Q. That y'all were --
8 MR. JAFFREE: It could mean job
9 performance. Eye to eye on how she
10 sees black employees versus white
11 employees. Eye to eye on whether or
12 not policies of administrator's office
13 should be followed.
14 Q. You knew the judge was not satisfied with your
15 performance, didn't you, when you met with Kai
16 Davis --
17 A. No, I didn't.
18 Q. -- in the summer?
19 A. No, I didn't.
20 MR. JAFFREE: Well, I mean, for her to say
21 yes, eye and eye and you interpret it
22 that way, that's not what she meant.
23 Q. You thought you were doing a great job as far
0325 as you knew?
1 A. Yes. I thought I was doing a great job.
2 Q. And how did you get that impression?
3 A. It was limited to the great job I could do by
4 restraining.
5 Q. You didn't know what you were doing, did you?
6 A. Yes, I did know what I was doing. I knew what
7 I was doing about the supervision.
8 Q. How can you supervise a group of people if you
9 don't even know what it is they're doing to
10 supervise?
11 A. I did know what they were doing.
12 Q. And how did you what they were doing?
13 A. I was learning. The judge hired me, knowing
14 that I was not a magistrate. She hired me,
15 knowing my background totally, my work
16 experience, everything. She wouldn't have
17 hired me if, in fact, she made that decision
18 if she didn't think I could do the job.
19 Q. Do you feel like you misrepresented anything
20 to her in the interview process?
21 A. No, I don't. But I feel she misrepresented
22 things to me.
23

0326

- 1 Q. And if she feels that you misrepresented
2 things to her, y'all, in essence weren't
3 seeing eye to eye, were you?
- 4 A. What she promised me in the interview and
5 after that was 100 percent support and I had
6 total supervision and management rights.
7 That's not what I got. And we also talked
8 about that we might not always see eye to eye
9 and we might not always agree, but she stated
10 she would back me 100 percent.
- 11 Q. No matter what you did?
- 12 A. I'm not -- you're putting words in my mouth.
13 I said she would back me and she would not
14 interfere with my management.
- 15 Q. You have a breach of contract. What contract
16 do you contend has been breached?
- 17 MR. JAFFREE: Again --
- 18 MS. NELSON: I'm just asking her.
- 19 MR. JAFFREE: -- requires a legal
20 conclusion based on state law and
21 state court interpretations of that
22 law.
- 23 Q. Other than your lawyer's testifying for you --

0327

- 1 A. I believe it's stated right here in
2 writing that the --
- 3 Q. What contract did you have?
- 4 A. -- defendant owed me. Yes, breach of
5 contract. State claim?
- 6 Q. Did you have a contract with the City?
- 7 A. Yes. I was hired, and I was told I would have
8 evaluations every three months and
9 deficiencies would be pointed out to me on
10 those evaluations.
- 11 Q. And who told you that?
- 12 A. And this -- City's Personnel Rules and
13 Regulations, Section 280, and Judge Gordon and
14 Kai Davis.
- 15 MR. JAFFREE: The defense had an
16 opportunity to attack some of these
17 claims early on, and I guess they did.
- 18 MS. NELSON: You're talking about a Motion
19 to Dismiss?
- 20 MR. JAFFREE: Well --
- 21 MS. NELSON: They will be dealt with in a

22 summary judgment, I assure you.

23 MR. JAFFREE: Well, I'm sure they're going

0328

1 to revisit it again. But I said, the

2 City has not clearly attacked some of

3 these claims as they could.

4 MS. NELSON: If you can give me a minute.

5 Y'all want to take a quick break? I

6 think I'm about done.

7 (Brief recess)

8 Q. Ms. Martin, I know it's been a long day. I

9 know we've been over a lot of testimony and

10 I've asked you a lot of questions. But based

11 on your claims of discrimination and

12 retaliation against the City or Judge Gordon,

13 are there any other claims or facts to support

14 your claim that I have not asked you about?

15 A. I would have to read through everything I've

16 got.

17 MR. JAFFREE: There may be.

18 A. There could be. But I'd have to spend hours

19 reading through my complaint.

20 Q. I'm talking about the things I've asked you

21 and the things you know that you're

22 complaining about, is there anything that --

23 MR. JAFFREE: Can I help?

0329

1 MS. NELSON: No.

2 Q. Are there facts that you are aware of that we

3 have not reviewed that would support your

4 claim of discrimination or retaliation

5 against --

6 MR. JAFFREE: I can help her refresh her

7 recollection if you would like. I

8 mean, do you want to know the facts or

9 do you want just to play gotcha?

10 MS. NELSON: Well, I want to know her

11 answer as opposed to yours. And then,

12 yeah, if you want to enlighten me that

13 you're making a claim that I hadn't

14 covered, I would like to know about

15 it.

16 MR. JAFFREE: I think she made a claim in

17 the complaint if I'm not mistaken that

18 the judge told her told her that since

19 she was black, nothing could be done

20 to her.
21 Is that in the complaint?
22 THE WITNESS: Yes.
23 MR. JAFFREE: It should be in your writeup

0330

1 there, you haven't covered that.
2 MS. NELSON: This is in her -- your
3 seconded amended complaint?
4 THE WITNESS: I'm not sure.
5 MR. JAFFREE: It's --
6 Q. It's your contention that the judge made such
7 a statement to you?
8 A. Yes.
9 Q. And what did she say?
10 A. She said -- I don't know word for word.
11 Basically, it was the City --
12 Q. Can I stop you? Mr. Jaffree fusses at me
13 about this all the time. When are we talking
14 about that this comment was said?
15 A. Was after Rickey Stokes filed his complaint
16 against Lavera.
17 Q. This had to with what you testified, that two
18 defendants with the same name --
19 A. Among other things, yes.
20 Q. And so this was after Rickey Stokes had
21 complained?
22 A. Right. We were discussing it. She
23 brushed -- I thought that -- that she got --

0331

1 she got a copy of that. Jerry Corbin did. I
2 was waiting for one of them really to do
3 something about the complaint. And I called
4 the judge and asked her what -- you know, had
5 she read it, what were we going to do about
6 it. And she just kind of laughed it off and
7 said, we're not going to do anything. Rickey
8 Stokes causes problems all the time, files
9 complaints with the City all the time.
10 And then later -- it could have been that
11 same day, might have been the next day -- I
12 discussed it with her again because Rickey
13 asked me -- called me and asked me had I --
14 had the judge read the complaint. I told him,
15 yes, and I would leave it up to her.
16 And he told me -- she -- when she and I
17 were talking then, she said that there was no

18 way the City was going to get rid of her
19 because she was a female, black judge and they
20 wouldn't be stupid enough to let her go.

21 Q. And who was present when she --

22 A. Me and the judge.

23 Q. -- supposedly said that?

0332

1 A. Me and Judge.

2 Q. And where were you?

3 A. In her office.

4 Q. And this was talking about the Rickey Stokes
5 complaint?

6 A. Right.

7 Q. Why would she be talking about her job being
8 in jeopardy over the Rickey Stokes' complaint?

9 A. Because Rickey Stokes is a bone of contention
10 for everybody -- for the judge and all.

11 Q. For everybody?

12 A. Not for everybody. For the judge.

13 Q. Well, first you said "everybody."

14 MR. JAFFREE: She said the judge and all,
15 not everybody.

16 Q. Do you know Rickey Stokes?

17 A. I know him.

18 Q. Do you know him outside of working for the
19 City of Dothan?

20 A. I had met him before.

21 Q. In what way?

22 A. Socially. We were -- I just knew -- met him
23 one time, I believe, talked to him.

0333

1 The judge had told me about some things
2 that he done before in the magistrates'
3 office, that he'd bring a recorder in and try
4 to record conversations he had. So when he
5 came over to introduce his self when I first
6 started working there, he walked in. And the
7 first thing I did was maybe ask him if he had
8 a recorder.

9 And he said no.

10 And I said don't ever bring one in here.

11 If you do, you'll be leaving. I won't be
12 talking to you.

13 Q. Okay. To your knowledge, was the judge's job
14 in jeopardy in any way over the Rickey Stokes'
15 letter or memo that you are talking about?

16 A. I don't know. I suppose from issues with
17 Rickey Stokes in the past, maybe she felt
18 threatened in some way. I don't know. I
19 wasn't there in the past.
20 Q. Do you know Rickey Stokes -- the number of
21 cases or claims or lawsuits he's been involved
22 in or the number of times he's been sued?
23 A. No.

0334

1 Q. Any other fact that you're aware of or that's
2 in your complaint that we haven't talked about
3 that would support your claim of
4 discrimination?
5 MR. JAFFREE: That you can think of right
6 now.
7 A. None I can I think of right now.
8 Q. Well, do you want to think about it a little
9 bit more, then, while I'm getting my documents
10 together?
11 A. I really want to go home. My foot is
12 swollen. It's killing me. I'm only supposed
13 to be working half days. I'm supposed to be
14 propping it up.
15 Q. Well, I believe that's all I have then, right
16 now.
17 MR. JAFFREE: Just a few bullet points.
18 Just a few. And I may supplement.
19 MS. NELSON: And I am going to object if
20 you start leading her like you did
21 before, but with that, I'm ready to go
22 here myself.
23 MR. JAFFREE: I want that with a

0335

1 declaration later.
2 EXAMINATION
3 BY MR. JAFFREE:
4 Q. Get Out Bonding, as far as you know, what
5 ethnic identity does the owner of that
6 operation have?
7 That's an awkward way of asking you that
8 question. Do you understand the question?
9 A. Say it again.
10 Q. Get Out Bonding, do you know if it's black or
11 white owned?
12 A. Black.
13 Q. Pardon?

14 A. Black.

15 Q. You stated earlier that the judge told you
16 that Mary Beth and Mary Turner, she should
17 have fired them a long time ago. Do you
18 recall when she made this statement?

19 A. I believe it was during an interview -- one of
20 the interviews.

21 Q. Well, let me see if I can help you. Do you
22 know if she made this statement concerning
23 anybody else that should have been fired?

0336

1 A. Valarie Savage.

2 Q. Again, think about the three people. Do you
3 remember when she could have made the
4 statement? You said she made it with respect
5 to three people.

6 A. The -- the statement of, she should have fired
7 them long ago?

8 Q. Yeah.

9 A. She made that during the -- about those three
10 during the subsequent meeting that we had
11 before I started working.

12 Q. You have already told me that.

13 At one time, I was going to go through
14 those exhibits and ask you questions, but I'm
15 not going to do it now in the interest of
16 time.

17 (Brief pause)

18 Q. This memo here to Kai Davis, dated June the
19 8th, dealing with employee counseling, did you
20 ever get this?

21 A. No, I didn't.

22 Q. What about this memo, again, interoffice memo
23 dated July the 8th to, again, Kai Davis? Did

0337

1 you ever get this?

2 A. No, I didn't.

3 Q. Those Attachments 1, 2, and 3, that were shown
4 to you in one of the exhibits, did you ever
5 get any of those attachments?

6 A. No, I didn't.

7 Q. Did the judge ever give you any memo
8 concerning negative aspects of your job?

9 A. No, she didn't.

10 Q. Did she previously call you in for a
11 counseling session about any negative aspects

12 of your job?

13 A. No, she didn't.

14 Q. And she made any number of some very serious
15 charges, such as you having somebody come from
16 out of state even though the matter had been
17 resolved.

18 Did she write you up for that?

19 A. No.

20 Q. Do you know anything about that?

21 A. No. Just generalizations. There's no names
22 provided, no facts.

23 Q. Did she ever give you written notice of any
0338

1 attorneys that had complained about you?

2 A. No.

3 Q. Any other staff member of your office that
4 have complained about you?

5 A. No.

6 Q. Did she ever tell you that Lavera and/or
7 Eunice had filed a discrimination complaint
8 with the personnel office, concerning you?

9 A. No.

10 Q. Did the judge ever personally accuse you of
11 discriminating against the black employees of
12 the office?

13 A. No.

14 Q. Have you ever previously been supervisor over
15 any black employees?

16 A. Yes.

17 Q. Has any black employee ever filed any charges
18 of discrimination against you?

19 A. No.

20 Q. Are you currently supervising any employees?

21 A. Yes.

22 Q. Have they filed any charges of discrimination
23 against you?

0339

1 A. No.

2 Q. Did the judge indicate to you in a very casual
3 and cavalier way that she wanted Tonya to have
4 a good office or --

5 MS. NELSON: Object to the form.

6 Q. Well, how did the judge tell you about her
7 interest in getting Tonya an office?

8 MS. NELSON: Object to the form.

9 Q. Well, did the judge tell you anything about

10 her interest in getting Tonya an office?

11 A. Yes.

12 Q. Exactly what did she tell you and how vigorous
13 was her discussion?

14 A. She was very intent on giving Tonya a nice
15 office, even to the point of doing some
16 remodeling, if need be.

17 Q. Did she follow up this conversation with any
18 other comments about Tonya getting an office?

19 A. She continued to check with me about
20 what -- what I had come up with. And I
21 expressed to her that I didn't think it would
22 be a good idea. I wasn't in agreement of
23 giving her an office when Mary Turner didn't

0340

1 have an office at all until she took over
2 Lavera's duties.

3 Q. Well, how much in the position of seniority
4 did Tonya have in the time that the judge was
5 interested in getting her a nice office?

6 A. Say that again.

7 MS. NELSON: Object to the form.

8 Q. How much in the position seniority did Tonya
9 have at the time the judge expressed interest
10 in getting Tonya an office?

11 A. She hadn't even started work at the City.

12 Q. Did you ever receive a complaint from a
13 Sergeant Woodruff about the preparation of
14 alias warrants?

15 A. Yes, I did.

16 Q. Do you remember that complaint?

17 A. Yes. It was that 40 warrants were missing
18 that Eunice had taken over. And Sergeant
19 Woodruff wasn't there, but the magistrates
20 were supposed to put warrants in her box. And
21 Eunice had given them to Sergeant Tolbert.
22 And when I talked to Sergeant Tolbert -- well,
23 I talked to Eunice, and she talked to Sergeant

0341

1 Tolbert. And he said he didn't know anything
2 about warrants, couldn't find them. They
3 looked for them.

4 I talked to him, and he said that they
5 could not find the warrants, didn't know where
6 they were. And Sergeant Woodruff did a memo
7 -- either in that memo or another one, asked

8 that they be either found or reprinted for
9 her.

10 Q. Did he express any complaints that he had had
11 about Lavera?

12 A. Who?

13 Q. Sergeant Woodruff.

14 A. That's a she.

15 Q. I'm sorry. She. Did she complain?

16 A. About Lavera?

17 Q. Yeah.

18 A. Lavera or Eunice? Lavera?

19 Q. Lavera?

20 A. She said that -- she brought to my
21 attention -- she brought me a stack of
22 warrants that Lavera had done that contained
23 numerous errors, and we went through them. I

0342

1 went through them, and some of them were court
2 system errors, the HTE system. However, if
3 Eunice -- I mean, Lavera had have proofread
4 those, those could have been corrected. Some
5 of the information was not the court system
6 error.

7 Q. Did she make any statement about how long she
8 had been complaining about Lavera's errors?

9 A. Said she'd been complaining about them for
10 a -- previous to my being made court
11 administrator, for some time.

12 Q. Did she indicate the results of those
13 complaints?

14 A. They were ignored by the judge.

15 Q. Did you ever have an occasion to ask Mary
16 Turner to take over Lavera's job when she was
17 to leave out on extended sick leave?

18 A. Yes. I assigned temporarily to Mary Turner
19 Lavera's job duties while she was out on
20 leave.

21 Q. How did Lavera feel about this?

22 A. Lavera had actually let me -- she let me know
23 that she had actually asked Eunice and Tonya

0343

1 to cover her job duties during that time. And
2 I told her that, no, I was going to let Mary
3 Turner take over, that Eunice -- I didn't want
4 Eunice and Tonya doing it, that Mary had done
5 some of this before. And she kept insisting

6 that she would rather Eunice and Tonya do it.
7 And I told her that I would make the
8 assignment and I'd made it to Mary Turner.

9 Q. How would you describe her affect when she
10 kept insisting? Do you understand what mean
11 by "affect?"

12 MS. NELSON: Object to the form. I sure
13 don't.

14 Q. Was she pleased that you --

15 A. Oh, no, she was not pleased at all.

16 Q. How would you describe her affect?

17 A. Very upset, angry.

18 Q. Do you know if any of this was mentioned to
19 the judge about your decision to let Mary do
20 it rather than Lavera and Tonya?

21 A. I don't recall.

22 Q. Do you remember sometime in July sending a
23 memo to Eunice regarding bond changing

0344

1 procedure?

2 A. Yes, I do.

3 Q. Do you know how Eunice responded to that memo?

4 A. She took it to the judge.

5 Q. Did she say anything about your authority to
6 tell her what to do?

7 A. Yes. She was very insubordinate, told me I
8 didn't have the authority. And then in a
9 staff meeting, also, told in front of everyone
10 that I didn't have the authority to question
11 her changing bonds.

12 Q. Did you talk to the judge about this?

13 A. Yes, I did.

14 Q. Did you explain to the judge about whether you
15 thought it was insubordinate?

16 A. Yes, I did.

17 Q. And what was the judge's response?

18 A. That it wouldn't be good to write her up for
19 insubordination because she could file a claim
20 of discrimination against me.

21 Q. Was there ever any occasion where Judge Gordon
22 expressed concern about white employees
23 causing someone to get arrested wrongfully?

0345

1 A. That was always brought to my attention.

2 Q. Were there any occasions when either Lavera
3 and Eunice had caused somebody to be

4 wrongfully arrested?

5 A. Yes.

6 Q. Do you know the names of any of the people
7 that she caused to be wrongfully arrested?

8 A. Gregory Powe.

9 Q. Anyone else?

10 A. Christopher Carroll.

11 Q. Anybody else that you remember off the top of
12 your head?

13 A. Not at this time.

14 Q. Okay. I'm going to stop it there. I could
15 have a thousand questions to ask you, but I'm
16 not.

17 EXAMINATION

18 BY MS. NELSON:

19 Q. Did the judge ever tell you that the Police
20 Chief John White had complained about you?

21 A. She did tell me that. However, it was right
22 after I'd had a conversation with Chief White,
23 had gone over to introduce myself again to him

0346

1 because I had met him previously and we had a
2 mutual friend. And we had a great
3 conversation. I offered all my support, and
4 we talked. And he said he would help me any
5 way he could. And I told him that I -- just
6 to let me know if I could help any way. I was
7 never provided a written complaint.

8 MS. NELSON: That's all I have.

9 EXAMINATION

10 BY MR. JAFFREE:

11 Q. What did she say was the nature of Chief
12 White's complaint?

13 A. She didn't give me details. She just said
14 that he complained.

15 Q. Do you recall whether you asked for details?

16 A. I was astounded that there was a complaint,
17 considering just days before I had had a
18 conversation with him that went very well.

19 Q. Maybe we can find out tomorrow what the nature
20 of the complaint was. All right. That's all
21 I have.

22 (Deposition concluded at 6:40 p.m.)

23